

---

Monday  
September 21, 1981

46559-46780

---

## Highlights

- 46561 Water Resource Projects Executive order
- 46559 National Cystic Fibrosis Week Presidential proclamation
- 46610 Grant Programs Commerce/EDA implements single unit audit concept for State, local and Indian-Tribal government grant recipients.
- 46571, Housing VA increases maximum permissible  
46572 interest rate on guaranteed, insured and direct loans for homes, condominiums, home improvements and mobile homes. (2 documents)
- 46582 Nondiscrimination on the Basis of Age NRC proposes rules for Federally assisted commission programs.
- 46750 Aid to Families With Dependent Children HHS/SSA revises eligibility criteria and procedures for program administration. (Part III of this issue)
- 46776 Labor/ETA and HHS/HDSO jointly revise regulations on the Work Incentive Program. (Part IV of this issue)
- 46563 Immigration Justice/INS removes "conditional entrants" as a category for admitting aliens into the United States.

CONTINUED INSIDE



**FEDERAL REGISTER** Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The Federal Register will be furnished by mail to subscribers, free of postage, for \$75.00 per year, or \$45.00 for six months, payable in advance. The charge for individual copies is \$1.00 for each issue, or \$1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the Federal Register.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

## Highlights

- 46575 Motor Vehicles** EPA establishes CO emission standards for several 1982 model year light-duty vehicle engines.
  - 46589 Waste Treatment and Disposal** DOE/CRE withdraws advance notice of proposed rulemaking on Federal price support program for municipal waste reprocessing demonstration facilities.
  - 46570 Civilian Health and Medical Program of the Uniformed Services** DOD extends benefits for ambulatory and hospital outpatient surgery.
  - 46744 Surface Mining** Interior/SMREO proposes to amend grant rules for regulatory programs and Small Operator Assistance Program.
  - 46587 Nuclear Power Plants** NRC proposes to extend compliance date for operational prompt public notification systems.
  - 46605 Federal Property** Interior/FWS proposes disposal rules for property forfeited or abandoned to U.S.
  - 46604 Federal Motor Vehicle Safety Standards** DOT/NHTSA reconsiders revoking Fields of Direct view standard.
  - 46594 Customs** Treasury/Customs proposes to amend rules on registration of foreign-made tourist articles to be taken abroad.
  - 46597 Pollution** EPA proposes granting compliance extensions for innovative technologies under the National Pollutant Discharge Elimination System.
  - 46564 "NOW" Accounts** FHLBB revokes final rule on ownership by governmental and nonprofit organizations.
  - 46673 High Cost Natural Gas** DOE/EIA publishes alternative fuel price ceilings and incremental price threshold.
  - 46707 Privacy Act Documents** NRC
  - 46739 Sunshine Act Meetings**
- Separate Parts of This Issue**
- 46744** Part II, Interior/OSM
  - 46750** Part III HHS/SSA
  - 46776** Part IV, Labor/ETA and HHS/HDSO

# Contents

Federal Register

Vol. 46, No. 182

Monday, September 21, 1981

- The President**  
EXECUTIVE ORDERS  
46561 Water resource projects [EO 12322]  
PROCLAMATIONS  
46559 Cystic Fibrosis Week, National (Proc. 4859)
- Executive Agencies**
- Agency for International Development**  
NOTICES  
46703 Housing guaranty programs:  
India
- Agriculture Department**  
*See* Animal and Plant Health Inspection Service.
- Animal and Plant Health Inspection Service**  
RULES  
46563 Animal and poultry import restrictions:  
Horses, male, from countries affected with CEM;  
Ohio added to list of approved States; interim  
rule and request for comments
- Army Department**  
NOTICES  
Meetings:  
46615 Medical Research and Development Advisory  
Panel
- Civil Aeronautics Board**  
PROPOSED RULES  
46592 Air taxis; operations in Alaskan bush routes, etc.;  
current filing requirements eliminated  
NOTICES  
Hearings, etc.:  
46609 Princeville Airways, Inc., fitness determination  
46609 Southern Jersey Airways, Inc.; fitness  
determination  
46609 Walker's Cay Air Terminal, Inc.; fitness  
determination
- Civil Rights Commission**  
NOTICES  
Meetings; State advisory committees:  
46610 District of Columbia  
46610 Washington
- Commerce Department**  
*See* Economic Development Administration;  
National Oceanic and Atmospheric Administration.
- Commodity Futures Trading Commission**  
NOTICES  
Contract market proposals:  
46610 Chicago Board of Trade; soybean oil contract,  
delivery differentials  
46613 Minneapolis Grain Exchange; sunflower seed  
contract, locational discount  
46614 New York Mercantile Exchange; gasoline futures  
contracts  
46610 Petroleum Associates of New York Cotton  
Exchange; liquefied propane gas futures contract
- Community Services Administration**  
NOTICES  
Grantee funding:  
46614 North Carolina Senior Citizens Federation;  
waiver of non-Federal share requirements  
Senior Executive Service:  
46614 Bonus awards schedule
- Conservation and Renewable Energy, Office of  
Assistant Secretary**  
PROPOSED RULES  
46589 Municipal waste reprocessing demonstration  
facilities; Federal price support program; advance  
notice; withdrawn
- Customs Service**  
PROPOSED RULES  
46594 Personal declarations and exemptions; foreign-  
made tourist articles to be taken abroad,  
registration  
NOTICES  
46738 Authority delegations:  
Commissioner of Customs; order of succession
- Defense Department**  
*See also* Army Department.  
RULES  
Civilian health and medical program of uniformed  
services (CHAMPUS):  
46570 Ambulatory surgery; interim policy  
PROPOSED RULES  
Civilian health and medical program of uniformed  
services (CHAMPUS):  
46597 Residential treatment centers; elimination as  
authorized providers; extension of time
- Economic Development Administration**  
NOTICES  
46610 Grant recipients; single audit concept (OMB  
circulars A-102 and A-110); implementation
- Economic Regulatory Administration**  
NOTICES  
Powerplant and industrial fuel use; prohibition  
orders, exemption requests, etc.:  
46616 University of Michigan  
Remedial orders:  
46616 Atlantic Richfield Co.
- Employment and Training Administration**  
RULES  
Work incentive program:  
46776 Aid to families with dependent children; interim  
rule and request for comments
- Energy Department**  
*See also* Conservation and Renewable Energy,  
Office Assistant Secretary; Economic Regulatory  
Administration; Energy Information Administration;  
Federal Energy Regulatory Commission.  
NOTICES  
Environmental statements; availability, etc.:  
46615 Erie, Pa., to Naticoke, Ontario, Canada; 300 kV  
international transmission line

- Energy Information Administration**  
NOTICES  
46673 Natural gas, high cost; alternative fuel price ceilings and incremental price threshold
- Environmental Protection Agency**  
RULES  
Air pollution control; new motor vehicles and engines:  
46575 Carbon monoxide emission standards; 1982 model year light-duty vehicles  
Air quality planning purposes; designation of areas:  
46574 Michigan  
46573 Texas  
Hazardous waste programs; interim authorizations; various States:  
46576 Kansas  
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:  
46579 Cross-linked nylon-type encapsulating polymer  
PROPOSED RULES  
Water pollution control:  
46597 National pollutant discharge elimination system; compliance extensions for installation of innovative technologies  
NOTICES  
Toxic and hazardous substances control:  
46675 Premanufacture notification requirements; test marketing exemption approvals (2 documents)
- Equal Employment Opportunity Commission**  
NOTICES  
46739 Meetings; Sunshine Act (3 documents)
- Federal Aviation Administration**  
RULES  
Airworthiness directives:  
46565 General Electric  
46566 Hughes Helicopters  
46566 McDonnell Douglas  
Security control:  
46569 Panama Canal Air Defense Identification Zone (ADIZ), revocation; final rule and request for comments  
46568 Standard instrument approach procedures  
PROPOSED RULES  
Airworthiness directives:  
46590 Wood electric; extension of time  
46590 Control zones  
46591 Transition areas
- Federal Deposit Insurance Corporation**  
NOTICES  
46739, 46740 Meetings; Sunshine Act (2 documents)
- Federal Energy Regulatory Commission**  
NOTICES  
Hearings, etc.:  
46656, 46669 Bluepond Associates (2 documents)  
46618 Boston Edison Co. et al.  
46618 Brownville Power Co.  
46656 California Department of Water Resources  
46657 Cleveland Electric Illuminating Co. (2 documents)  
46670  
46619 Consolidated System LNG Co.  
46658 Consumers Power Co.  
46668 Conway, Mass;  
46659 Duke Power Co. (2 documents)  
46659 Eastern Sierra Energy Development  
46658 Essex County, N.Y., et al.  
46660 Florida Power & Light Co.  
46657 Fort Smith, Ark.  
46619, 46620, 46671, 46672 Homestake Consulting & Investments, Inc. (5 documents)  
46621 Idaho Power Co.  
46660 International Falls Power Co.  
46661 Iowa Power & Light Co.  
46621 Kentucky Utilities Co.  
46661 Lower South Platte Water Conservancy District  
46621 Mac Hydro-Power Co., Inc.  
46662 MacLeod Hydropower, Inc.  
46672 Maine Yankee Atomic Power Co.  
46663 Metropolitan Water District of Southern California  
46663 Missouri Edison Co.  
46663 Modesto Irrigation District  
46664, 46665 Montana Power Co. (5 documents)  
46665 Montaup Electric Co.  
46666 New England Power Co.  
46625 Newport, N.Y., et al.  
46622 Northwest Canadian Gas Sales Co.  
46666 Ohio Valley Electric Corp.  
46669 Philadelphia, N.Y.  
46622 Phillips, Glenn M.  
46672 Puget Sound Power & Light Co.  
46666 Redlands Water & Power Co.  
46623 Taft, Lawrence R.  
46668 Tehama County Flood Control & Water Conservation District  
46667 Tift, Robert R.  
46624 Transcontinental Gas Pipe Line Corp.  
46624 Utah Power & Light Co. et al.  
46625 Vidler Tunnel Water Co.  
46740 Meetings; Sunshine Act  
Natural Gas Policy Act of 1978:  
46627- Jurisdictional agency determinations (4 documents)  
46651
- Federal Highway Administration**  
NOTICES  
Environmental statements; availability, etc.:  
46735 Eaton County, Mich.; intent to prepare  
46736 Lihue, Hawaii; intent to prepare  
46734 Watauga County, N.C.; intent to prepare
- Federal Home Loan Bank Board**  
RULES  
Federal Home loan bank system:  
46564 NOW accounts, ownership; final interpretative rule; repeal  
NOTICES  
46741 Meetings; Sunshine Act
- Federal Maritime Commission**  
NOTICES  
46741 Meetings; Sunshine Act

**Federal Railroad Administration****NOTICES**

- 46736 Environmental statements; availability, etc.:  
Off-corridor freight diversion project, D.C.,  
Philadelphia, and Newark; intent to prepare  
Petitions for exemption, etc.:  
46736 Sandersville Railroad Co.

**Federal Reserve System****NOTICES****Applications, etc.:**

- 46676 Allied Bancshares, Inc.  
46676 Allied Beltway Bancshares, Inc.  
46677 Banco de Venezuela International  
46677 Citicorp  
46677 Colonial Banc Corp.  
46677 First Citizens Bancorp of Indiana  
46678 Flagler Bankshares, Inc.  
46678 Flagship Banks, Inc.  
46678 GRP, Inc.  
46678 Hongkong Bank International  
46678 Independence Bancshares, Inc.  
46679 NBC Bancshares, Inc.  
46679 Suburban Bankshares, Inc.

**Fish and Wildlife Service****PROPOSED RULES**

- 46605 Property, forfeited or abandoned; disposal

**Health and Human Services Department**

*See also* Human Development Services Office;  
National Institutes of Health; Public Health  
Service; Social Security Administration.

**RULES****Public assistance programs:**

- 46750 Aid to families with dependent children; interim  
rule and request for comments  
Work & incentive program:  
46776 Aid to families with dependent children; interim  
rule and request for comments

**Human Development Services Office****RULES****Work incentive program:**

- 46776 Aid to families with dependent children; interim  
rule and request for comments

**Immigration and Naturalization Service****RULES**

- 46563 Aliens; petition to classify as immediate relative of  
U.S. citizen or preference immigrant; preference  
category change

**Indian Affairs Bureau****NOTICES**

- 46681 Upper Skagit Indian Tribe, Wash.; establishment of  
reservation

**Interior Department**

*See* Fish and Wildlife Service; Indian Affairs  
Bureau; Land Management Bureau; Surface Mining  
Reclamation and Enforcement Office.

**International Development Cooperation Agency**

*See* Agency for International Development.

**Interstate Commerce Commission****RULES**

Railroad car service orders; various companies:  
46580 Burlington Northern Railroad Co. et al.  
46580 Chicago, Rock Island & Pacific Railroad Co.;  
track use by various railroads

**NOTICES****Motor carriers:**

- 46691- Permanent authority applications (3 documents)  
46695  
46695, Permanent authority applications; operating  
46696 rights (2 documents)  
46696 Permanent authority applications; restriction  
removals  
46682 Temporary authority applications

**Justice Department**

*See* Immigration and Naturalization Service.

**Labor Department**

*See* Employment and Training Administration.

**Land Management Bureau****NOTICES**

- 46681 Alaska native claims selections; applications, etc.:  
Cook Inlet Region, Inc.

**Management and Budget Office****NOTICES**

- 46730 Agency forms under review

**National Credit Union Administration****NOTICES**

- 46741 Meetings; Sunshine Act

**National Highway Traffic Safety Administration****PROPOSED RULES****Motor vehicle safety standards:**

- 46604 Fields of direct view for passenger cars;  
revocation; reconsideration of prior agency  
action

**NOTICES**

Motor vehicle safety standards; exemption  
petitions, etc.:

- 46737 Chrysler Corp.; controls and displays; petition  
granted  
46737 Dunlop Tire Co.; new pneumatic tires on  
passenger cars

**National Institutes of Health****NOTICES****Meetings:**

- 46679 Aging Institute, National; Scientific Counselors  
Board  
46680 Cancer National Advisory Board  
46679, Neurological and Communicative Disorders and  
Stroke National Advisory Council

**National Oceanic and Atmospheric  
Administration****NOTICES****Meetings:**

- 46610 Gulf of Mexico Fishery Management Council

**National Science Foundation****NOTICES****Meetings:**

- 46704, Environmental Biology Advisory Committee (4  
46705 documents)

- 46705 Physiology, Cellular, and Molecular Biology  
Advisory Committee
- Nuclear Regulatory Commission**  
PROPOSED RULES
- 46582 Nondiscrimination on basis of age in federally  
assisted programs  
Production and utilization facilities, domestic  
licensing:
- 46587 Emergency planning and preparedness  
NOTICES  
Applications, etc..
- 46706 Chem-Nuclear Systems, Inc.  
46705 Consumers Power Co.  
46706 Duke Power Co.  
46707 Tennessee Valley Authority  
46707 Privacy Act; systems of records; annual publication  
46707 Regulatory guides; issuance and availability
- Public Health Service**  
NOTICES  
Meetings:
- 46680 National Toxicology Program; Scientific  
Counselors Board
- Research and Special Programs Administration,  
Transportation Department**  
NOTICES  
Meetings:
- 46738 International standards on transport of  
dangerous goods
- Saint Lawrence Seaway Development  
Corporation**  
NOTICES  
Meetings:
- 46738 Advisory Board
- Securities and Exchange Commission**  
NOTICES  
Hearings, etc:
- 46734 Appalachian Power Co.  
46742 Meetings; Sunshine Act  
Self-regulatory organizations; proposed rule  
changes:
- 46734 American Stock Exchange, Inc., et al.
- Social Security Administration**  
RULES  
Public assistance programs:
- 46750 Aid to families with dependent children; interim  
rule and request for comments
- Surface Mining Reclamation and Enforcement  
Office**  
PROPOSED RULES  
Initial regulatory program and permanent  
regulatory program; non-Federal and non-Indian  
lands:
- 46744 Financial assistance to States for regulatory and  
small operator assistance programs; procedures  
Permanent program submission; various States:
- 46596 Maryland; hearing cancelled

Permanent regulatory program; non-Federal and  
non-Indian lands:

- 46596 Program submission; elimination of "State  
window;" and increased State regulatory  
flexibility; comment period reopened

#### Transportation Department

See Federal Aviation Administration; Federal  
Highway Administration; Federal Railroad  
Administration; National Highway Traffic Safety  
Administration; Research and Special Programs  
Administration, Transportation Department; Saint  
Lawrence Seaway Development Corporation.

#### Treasury Department

See Customs Service.

#### Veterans Administration.

##### RULES

Loan guaranty:

- 46572 Home and condominium and home improvement  
loans; maximum permissible interest rate  
increase
- 46571 Mobile home loans; maximum permissible  
interest rate increase

---

#### MEETINGS ANNOUNCED IN THIS ISSUE

---

##### CIVIL RIGHTS COMMISSION

- 46610 District of Columbia Advisory Committee,  
Washington, D.C. (open), 10-5-81
- 46610 Washington Advisory Committee, Seattle,  
Washington, (open), 10-7-81

##### COMMERCE DEPARTMENT

National Oceanic and Atmospheric  
Administration—

- 46610 Gulf of Mexico Fishery Management Council,  
Panama City, Fla. (open), 10-7-81

##### DEFENSE DEPARTMENT

Army Department—

- 46615 Army Medical Research and Development  
Advisory Panel Subcommittee on Pharmacology,  
Washington, D.C. (closed), 10-28-81

##### HEALTH AND HUMAN SERVICES DEPARTMENT

National Institutes of Health—

- 46679 Board of Counselors, National Institute of Aging,  
Baltimore, Md. (partially open), 11-2 and 11-3-81
- 46679 National Advisory Neurological and  
Communicative Disorders and Stroke Council, and  
Subcommittee, Bethesda, Md. (partially open),  
10-14, 10-15 and 10-16-81
- 46680 National Cancer Advisory Board and  
Subcommittee, Bethesda, Md. (partially open), 10-4  
through 10-7-81

## Public Health Service—

- 46680 Board of Scientific Counselors, National Toxicology Program, Cincinnati, Ohio, (partially open), 10-22 and 10-23-81

## NATIONAL SCIENCE FOUNDATION

- 46704, Environmental Biology Advisory Committee,  
46705 Population Biology and Physiology Ecology Subcommittee, Washington, D.C. (closed), 10-22 and 10-23-81; Systematic Biology Subcommittee, Washington, D.C. (closed), 10-15 and 10-16-81; Ecology Subcommittee, Washington, D.C. (closed), 10-29 and 10-30-81; Ecosystem Studies Subcommittee, Washington, D.C. (closed), 10-8 and 10-9-81
- 46705 Physiology, Cellular and Molecular Biology Advisory Committee, Molecular Biology Subcommittee, Washington, D.C. (closed), 10-26 and 10-27-81

## TRANSPORTATION DEPARTMENT

## Research and Special Programs Administration—

- 46738 International Standards on Transport of Dangerous Goods, Washington, D.C. (open), 10-21-81
- 46738 Saint Lawrence Seaway Development Corporation, Washington, D.C., 10-2-81

## CANCELLED HEARING

## INTERIOR DEPARTMENT

## Surface Mining Reclamation and Enforcement Office—

- 46596 Maryland Permanent Regulatory Program, Modified portions, Frostburg, Md., 9-24-81

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

<b>3 CFR</b>	<b>49 CFR</b>
<b>Executive Orders:</b>	1033 (2 documents).....46580
12113 (Revoked by	<b>Proposed Rules:</b>
EO 12322).....46561	571.....46604
12322.....46561	<b>50 CFR</b>
<b>Proclamations:</b>	<b>Proposed Rules:</b>
4859.....46559	12.....46605
<b>8 CFR</b>	
204.....46563	
<b>9 CFR</b>	
92.....46563	
<b>10 CFR</b>	
<b>Proposed Rules:</b>	
4.....46582	
50.....46587	
486.....46589	
<b>12 CFR</b>	
532.....46564	
<b>14 CFR</b>	
39 (3 documents).....46565,	
46566	
97.....46568	
99.....46569	
<b>Proposed Rules:</b>	
39.....46590	
71 (2 documents).....46590,	
46591	
293.....46592	
298.....46592	
323.....46592	
<b>19 CFR</b>	
<b>Proposed Rules:</b>	
148.....46594	
<b>29 CFR</b>	
56.....46776	
<b>30 CFR</b>	
<b>Proposed Rules:</b>	
725.....46744	
730.....46596	
731.....46596	
732.....46596	
735.....46744	
920.....46596	
<b>32 CFR</b>	
199.....46570	
<b>Proposed Rules:</b>	
199.....46597	
<b>38 CFR</b>	
36 (2 documents).....46571,	
46572	
<b>40 CFR</b>	
81 (2 documents).....46573,	
46574	
86.....46575	
123.....46576	
180.....46579	
<b>Proposed Rules:</b>	
125.....46597	
<b>45 CFR</b>	
205.....46750	
206.....46750	
224.....46776	
233.....46750	
234.....46750	
235.....46750	
238.....46750	
239.....46750	

---

**Presidential Documents**

---

Title 3—

Proclamation 4859 of September 17, 1981

The President

National Cystic Fibrosis Week

By the President of the United States of America

**A Proclamation**

Cystic fibrosis is an hereditary, metabolic disease primarily affecting the respiratory and digestive systems. Tragically, the disease attacks the young. It imposes enormous economic, physical and emotional burdens on both victim and family. The disease is the leading genetic killer of young Americans; yet, its cause and cure are unknown. In addition, there is no test for determining who is a carrier—and there are up to 10 million symptom-free individuals who might pass cystic fibrosis on to their children.

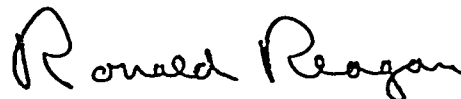
Nevertheless, there is ample reason for hope. There have been important advances in the treatment of cystic fibrosis. Twenty-five years ago, children affected by the disease seldom reached school age. Today, half of those afflicted with the disease will live into their twenties, and the quality of life during these additional years has been significantly improved.

Supported by the National Institutes of Health and private voluntary agencies, researchers throughout the world are focusing their efforts on cystic fibrosis. Improved methods of diagnosis, detection, treatment and control are being examined and attention, as never before, is being paid to this cruel disease.

Since early diagnosis can prolong life, public awareness is critical. To increase this awareness and commemorate the progress being made in controlling cystic fibrosis, and to emphasize the need for a continued effort to defeat it, the Congress has, by Senate Joint Resolution 62, designated the week of September 20 through September 26, 1981, as National Cystic Fibrosis Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of September 20 through September 26, 1981, as National Cystic Fibrosis Week. I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.





## Presidential Documents

Executive Order 12322 of September 17, 1981

### Water Resources Projects

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure efficient and coordinated planning and review of water resources programs and projects, it is hereby ordered as follows:

Section 1. Before any agency or officer thereof submits to the Congress, or to any committee or member thereof, for approval, appropriations, or legislative action any report, proposal, or plan relating to a Federal or Federally assisted water and related land resources project or program, such report, proposal, or plan shall be submitted to the Director of the Office of Management and Budget.

Sec. 2. The Director of the Office of Management and Budget shall examine each report, proposal, or plan for consistency with, and shall advise the agency of the relationship of the project to, the following:

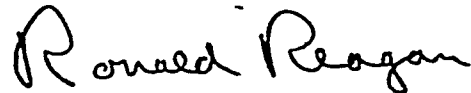
(a) the policy and programs of the President;

(b) the Principles and Standards for Water and Related Land Resources Planning (Part 711 of Title 18 of the Code of Federal Regulations (45 F.R. 64366)), or other such planning guidelines for water and related land resources planning, as shall hereafter be issued; and

(c) other applicable laws, regulations, and requirements relevant to the planning process.

Sec. 3. When such report, proposal, or plan is thereafter submitted to the Congress, or to any committee or member thereof, it shall include a statement of the advice received from the Office of Management and Budget.

Sec. 4. Executive Order No. 12113, as amended, is revoked.



THE WHITE HOUSE,  
September 17, 1981.



# Rules and Regulations

Federal Register

Vol. 46, No. 182

Monday, September 21, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 204

#### Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Preference Category Change

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes technical changes to the Service's regulations by deleting reference to "conditional entrant" as a category of alien who previously was admitted into the United States, and also by correcting related statutory references. These changes are necessary to conform the regulations to the amendments made to the Immigration and Nationality Act by the Refugee Act of 1980. Aliens may not be admitted into the United States as "conditional entrants" under the amended rule.

**EFFECTIVE DATE:** September 21, 1981.

#### FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington DC 20536 Telephone: (202) 633-3048;

For specific information: Margaret M. Smitherman, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536 Telephone: (202) 633-3946.

**SUPPLEMENTARY INFORMATION:** The Refugee Act of 1980, Pub. L. 96-212, Mar. 17, 1980, 94 Stat. 107, amended the Immigration and Nationality Act (I&N Act). Amendments included eliminating

the conditional entrant status as a category of aliens who previously were admitted into the United States under the former section 203(a)(7) of the I&N Act. An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under the former section 203(a)(7), was thereafter deemed to be entitled to refugee status under section 207 of the I&N Act, as amended by the Refugee Act of 1980. The preference status of conditional entrant is no longer available to aliens who seek to enter the United States.

This amendment to the regulations removes reference to the conditional entrant as a category of alien who previously was admitted into the United States, and also corrects the related statutory references. In § 204.1(a) of 8 CFR, the seventh sentence of the paragraph is revised by removing "or conditional entry" and changing "203(a)(1) through (8)" to read "203(a)(1) through (7)". The eighth sentence of the paragraph is revised by changing "203(a)(9)" to read "203(a)(8)".

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is not required because the rule is editorial in nature to remove an obsolete term and to correct related statutory references.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities because it is editorial in nature.

This rule is exempt from the requirements of E.O. 12291 as provided for by section 8(a)(2) of the E.O. because the editorial changes are mandated by statute.

#### PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is revised as follows:

In § 204.1 the seventh and eighth sentences of paragraph (a) are revised to read as follows:

#### § 204.1 Petition.

(a) \* \* \* Without the approval of a separate petition in his/her behalf, an alien spouse or a child defined in

section 101(b)(1)(A), (B), (C), (D), or (E) of the Act, may be accorded the same preference classification under section 203(a) of the Act as his/her spouse or parent whom he/she is accompanying or following to join, if the immediate issuance of a visa is not otherwise available under the provisions of section 203(a)(1) through (7) of the Act. However, the alien spouse or child of an alien parent who has been classified as an immediate relative is not within the purview of section 203(a)(8) of the Act and may not be accorded derivative immediate relative status.

\* \* \* \* \*

(Secs. 103, 203, and 204; 8 U.S.C. 1103, 1153, and 1154)

Dated: September 15, 1981.

Doris M. Meissner,

*Acting Commissioner, Immigration and Naturalization.*

[FR Doc. 81-27333 Filed 9-18-81; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 92

#### Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This document adds the State of Ohio to the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that Ohio has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations.

**DATES:** Effective date: September 15, 1981. Comments must be received on or before November 20, 1981.

**ADDRESS:** Written comments to Deputy Administrator, USDA, APHIS, VS, Room

870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Mark Dulin, USDA, APHIS, VS, Room 818, Federal Building, Hyattsville, MD 20782, 301-436-8170.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this interim action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. Only 26 stallions from countries affected with CEM were imported into the United States in 1980. This action will provide a means by which such stallions from countries affected with CEM and bound for Ohio can be imported directly into Ohio. Otherwise, the stallions must be imported to a State which has been approved to receive stallions from countries affected with CEM. The nearest States to Ohio approved to receive stallions from countries affected with CEM are Kentucky, Maryland and Virginia. This action should result in a decrease of transportation costs for such horses. However, in view of the small number of stallions involved, the economic impact of this action will not be significant.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment relieves restrictions presently imposed on certain horses being imported into the United States, and should be made effective immediately in order to permit affected persons to move certain horses

into the United States without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency interim action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency interim action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document, and this emergency interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

Section 92.2(i)(2) of Title 9, Code of Federal Regulations (9 CFR 92.2(i)(2)), among other things, authorizes the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document adds the State of Ohio to the list of specifically approved States to receive such horses, on the basis of a determination of their eligibility for such approval under § 92.4(a)(6) of the regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

**§ 92.4 [Amended]**

Section 92.4(a)(5)(ii) is amended by adding "The State of Ohio," after "The State of North Carolina" and before "The State of South Carolina" as States approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134f)

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road,

Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

Done at Washington, D.C., this 15th day of September 1981.

K. R. Hook,

*Acting Deputy Administrator, Veterinary Services.*

[FR Doc. 81-27350 Filed 9-18-81; 8:45 am]

BILLING CODE 3410-34-M

**FEDERAL HOME LOAN BANK BOARD**

**12 CFR Part 532**

[No. 81-547]

**Ownership of NOW Accounts; Repeal of Final Rule**

Date: September 15, 1981.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Repeal of final rule.

**SUMMARY:** On August 13, 1981, the Federal Home Loan Bank Board issued a final rule regarding the eligibility of various depositors to maintain negotiable order of withdrawal ("NOW") accounts at member institutions. (Resolution No. 81-460, 46 FR 42250, August 20, 1981). The rule was to take effect on August 19, 1981; however, the effective date was postponed for a ten day period by a judicial order issued August 19, 1981. (See 46 FR 42651, Aug. 24, 1981.) The Board subsequently postponed the effective date until September 15, 1981, pending litigation involving the rule. (Resolution No. 81-492, 46 FR 43655, Aug. 31, 1981.)

On September 15, 1981, an order was issued by the United States District Court for the District of Columbia in the case of American Bankers Association v. Federal Home Loan Bank Board (Civil No. 81-1933) enjoining the Board from authorizing or allowing member institutions to offer NOW accounts to governmental units or nonprofit organizations other than those described in a Federal Reserve Board rule published at 46 FR 42060, August 19, 1981. Accordingly, the Board is repealing its new rule effective immediately.

In accordance with the court order, member institutions are authorized to offer NOW accounts to private nonprofit organizations described in sections 501(c)(3) through (13), (19), and 528 of

the Internal Revenue Code, and to government units operated primarily for philanthropic, educational, charitable, or other similar purposes. For example, a government unit, regardless of form of organization, may maintain a NOW account if the funds are in the name of or are used solely for schools, universities or colleges, libraries, hospitals, or other educational or medical facilities.

**EFFECTIVE DATE:** September 15, 1981.

**FOR FURTHER INFORMATION CONTACT:** Michael D. Schley, Office of General Counsel ((202) 377-6444), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

## PART 532—BOARD RULINGS

### § 532.2 [Removed]

Accordingly, 532.2 is removed from Title 12 of the Code of Federal Regulations.

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980); 12 U.S.C. 1437, 1464, 1724, 1725, 1726, 1728, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,  
Secretary.

[FR Doc. 81-27372 Filed 9-18-81; 8:45 am]

BILLING CODE 6720-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 81-NE-14 Amdt. 39-4219]

#### Airworthiness Directives; General Electric Company Model CF6-6 Series Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** Following an 18-month life management study on the CF6-6 series turbofan engines low pressure turbine stage 2 disk, the manufacturer has recommended a life limit below that originally listed. The FAA concurs with this recommendation, and therefore, the airworthiness directive (AD) requires the removal of low pressure turbine rotor stage 2 disks at less than the originally published cyclic life limits. **DATES:** Effective date—this amendment becomes effective on September 21, 1981.

Comments must be received on or before November 21, 1981.

Compliance schedule—as prescribed in the text of the AD.

**ADDRESSES:** Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. —, 12 New England Executive Park, Burlington, Massachusetts 01803.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Henry A. Jackson, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7335.

#### SUPPLEMENTARY INFORMATION:

##### Need for Rulemaking

Based on a life management study, the General Electric Company has recommended a reduction in the published life of the CF6-6 series turbofan engines low pressure turbine rotor stage 2 disk from 27,000 cycles (current limit) to the lower values listed in this AD. The FAA has determined that the disks affected are to be removed in accordance with this recommendation.

##### Request for Comments on the Rule

Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

##### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

General Electric Company. Applies to all General Electric Model CF6-6 series turbofan engines installed in McDonnell Douglas

DC10-10 aircraft containing low pressure turbine rotor stage 2 disks, P/Ns 9690M77P03, 9690M77P04, 9690M77P09, 9690M77P11, and 9690M77P13.

Compliance required as indicated.

To prevent possible low cycle fatigue failure of these disks, the life limits have been reduced below the figures currently approved. Remove from service low pressure turbine rotor stage 2 disks prior to reaching the revised life limits listed below or within the next 25 cycles in service after the effective date of this AD, whichever comes later.

Disk part No.	Previous life limit/cycles	Revised life limit/cycles
9690M77P03	27,000	11,500
9690M77P04	27,000	11,500
9690M77P09	27,000	11,500
9690M77P11	27,000	11,500
Serial numbers MP0A0727 through MP0A2215		
9690M77P11, all other serial numbered disks	27,000	9,500
9690M77P13	27,000	10,000

**Note.**—General Electric CF6-6 Service Bulletin 72-786 pertains to this subject.

This amendment becomes effective on September 21, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 24, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final Order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Court of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Massachusetts, on September 9, 1981.

John B. Roach,  
Acting Director, New England Region.

[FR Doc. 81-27334 Filed 9-18-81; 8:45 am]  
BILLING CODE 4910-13-M

**14 CFR Part 39.**

[Docket No. 81-WE-9-AD; Amdt. 39-4221]

**Airworthiness Directives; Hughes Helicopters Model 369D Helicopters****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This amendment amends an existing Airworthiness Directive (AD) applicable to Hughes Helicopters Model 369D helicopters by prescribing the installation of a fail-safe device which when installed obviates the need for the actions required by the original AD. This amendment is needed to provide additional safety information which will provide relief for operators affected by the original AD.

**DATES:** Effective September 28, 1981.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

**FOR FURTHER INFORMATION CONTACT:** Harold W. Ferris, Aerospace Engineer, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6381.

**SUPPLEMENTARY INFORMATION:** This amendment amends Amendment 39-4186, AD 81-17-02, which currently requires rotor brake deactivation and inspection of the tail rotor drive shaft forward flexible coupling on Hughes Helicopters Model 369D helicopters. After issuing Amendment 39-4186, the FAA has evaluated and approved a coupling fail-safe system. Therefore, the FAA is amending Amendment 39-4186 by providing for the installation of this fail-safe device on Hughes Helicopters Model 369D helicopters.

Since this amendment provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause

exists for making the amendment effective in less than 30 days.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4186 (46 FR 40868), AD 81-17-02 by adding a new paragraph (c) to read as follows:

\* \* \* \* \*

(c) The provisions of paragraphs (a) and (b) will not apply when the forward tail rotor coupling fail-safe design, P/Ns 369D25530 and 369D25531, are installed per Part I of Hughes Service Information Notice DN-95, dated August 7, 1981, and are inspected per the requirements of Part II of DN-95 and the preflight checks of the Hughes Helicopter 369D rotorcraft flight manual revised August 28, 1981.

\* \* \* \* \*

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230.

These documents may also be examined at: FAA Western Region Office, 15000 Aviation Boulevard, Hawthorne, California 90261, and at: FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at the FAA Western Region Office.

Amendment 39-4186 became effective August 24, 1981.

This amendment becomes effective September 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A

copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California, on September 11, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-27382 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 39**

[Docket No. 81-NW-49-AD; Amendment 39-4216]

**Airworthiness Directives; McDonnell Douglas DC-9-80 Series Airplanes****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new Airworthiness Directive (AD) which requires an inspection of all DC-9-80 aircraft thrust reversers for identification of suspect serial numbered parts and removal of those parts within 14 days from the effective date of this AD. This action is necessary to preclude failure of the brazed joint at the thrust reverser/engine attach flange which could allow the thrust reverser to become detached from the aircraft resulting in possible adverse effects on aircraft handling qualities.

**DATE:** Effective date: September 28, 1981.

Compliance required within 14 days after the effective date of this AD, unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90848, Attention: Director, Publications and Training C1-750, (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 4344 Donald Douglas Drive, Long Beach, California 90808 (213) 548-2835.

**FOR FURTHER INFORMATION CONTACT:** Samuel K. Erick, Supervisory Aerospace Engineer, Propulsion Branch, ANW-140L, Federal Aviation Administration, Northwest Region, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

**SUPPLEMENTARY INFORMATION:** On July 4, 1981, during landing an operator experienced an engine thrust reverser/exhaust nozzle assembly failure which resulted in the thrust reverser departing the aircraft. Investigation revealed that there were excessive voids in the brazed joint between the thrust reverser barrel assembly and the attachment flange to the engine. Subsequent review of the manufacturing records have identified certain additional units which also may have discrepancies. On July 9, 1981, McDonnell Douglas issued an Alert Service Bulletin, A78-50, notifying all operators and requesting a visual inspection to detect possible imminent failure of this flange joint.

After completion of a review of all available manufacturing records, McDonnell Douglas issued on July 20, 1981, Revision 1 to Alert Service Bulletin A78-50 requesting an inspection to determine the barrel serial numbers installed and requesting the removal of suspect parts within 3 days of receipt of the service bulletin.

It was subsequently determined that the radiographic inspection procedure used to identify these parts as suspect was questionable. As a result McDonnell Douglas issued Alert Service Bulletin A78-51 on August 6, 1981, which requested a daily visual inspection of all in service reversers. This was followed by the issuance of Service Bulletin 78-51 dated August 25, 1981, which notified all operators of a weld modification procedure to be accomplished within 120 days as the final rework action.

Failure and/or separation of a thrust reverser may result in asymmetrical thrust during the landing phase and, consequently, adverse aircraft handling characteristics.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspections and removal of all P/N 5938033-1 thrust reverser barrel assemblies, rework and part number identification [P/N 5938033-501] prior to return to service on all DC-9-80 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

#### Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended

by adding the following new Airworthiness Directive:

**McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-80 series airplanes, certificated in all categories with thrust reverser barrel assemblies P/N 5938033-1 installed. Compliance required as indicated unless already accomplished. To prevent the separation of the thrust reverser from the airplane as a result of a failure of the brazed joint at the thrust reverser attach flange, accomplish the following:**

A. Within three days from the effective date of this AD, and at intervals of 24 hours calendar time thereafter, conduct a visual inspection, with a 3 to 5 power magnifying glass, of the exhaust nozzle barrel assembly exterior skin P/N 5938033-5 at attach flange P/N 5938033-37 joint for buckling, obvious separation, or circumferential cracks especially in the zone 30 degrees above and below the thrust reverser stang fairings on each side. If buckling separation or cracks are found remove and replace barrel assembly prior to further flight. Chapter 78-30-01 of the maintenance manual contains additional information on this subject.

B. Within three days from the effective date of this AD inspect all thrust reversers to identify each thrust reverser barrel serial number. Remove from service reverser assemblies identified by the following barrel serial numbers.

Accomplishment instructions for this inspection are contained in McDonnell Douglas Alert Service Bulletin A78-50 Revision 1, dated July 20, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region.

Serial Numbers D3-0005, D3-0008, D3-0010 thru D3-0012, D3-0024, D3-0025, D3-0043, D3-0047, D3-0048, D3-0057, D3-0058, D3-0060, D3-0063, D3-0064, D3-0069, D3-0084, D3-0091, D3-0093, D3-0095, D3-0100 thru D3-0105, D3-0108, D3-0112, D3-0113, D3-0115, D3-0119, D3-0129A, D3-0132, D3-0137, D3-0156, D3-0162, D3-0165, and D3-0172.

Note.—Typical example of the number found on the reverser barrel assembly is "5938033-1-01-D3-0105." This number is located approximately six inches aft of the upper hydraulic thrust reverser latch and is etched on the exterior surface of the thrust reverser exhaust duct barrel assembly near top centerline. 5938033-1 is the part number and will be the same on each unit. The last six digits (D3-0105) constitute the listed serial number.

C. Within 120 days from the effective date of the AD modify all P/N 5938033-1 reverser barrel assemblies by welding the engine attach flange—outer barrel skin joint in accordance with the accomplishment instructions of McDonnell Douglas Service Bulletin 78-51 dated August 25, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region. Upon completion of this modification reidentify the reverser barrel assembly as P/N 5938033-501 and the thrust reverser assembly as P/N 5938050-501 in accordance with paragraph 2.B. (6) and (9) of the

accomplishment instructions of the bulletin. This modification constitutes terminating action for all requirements of this AD. All reverser barrel assemblies removed from service per paragraph B above may be modified in accordance with this paragraph and returned to service.

D. Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Alternative means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective September 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator as defined by section 1005 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1485). As such it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on September 8, 1981.

Charles R. Foster,  
Director, Northwest Region.

[FR Doc. 81-27383 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 97

[Docket No. 22140; Amdt. No. 1199]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

*For Purchase—*

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*

Copies of all SIAP's mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

**FOR FURTHER INFORMATION CONTACT:** Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for

Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

\* \* \* *Effective November 26, 1981*

Trenton, NJ—Mercer County, VOR-A, Amdt. 9

\* \* \* *Effective November 12, 1981*

Craig, CO—Craig-Moffat, VOR Rwy 25, Amdt. 1

Craig, CO—Craig-Moffat, VOR/DME Rwy 7, Amdt. 1

\* \* \* *Effective October 29, 1981*

Scottsdale, AZ—Scottsdale Muni, VOR-A, Amdt. 3

Burbank, CA—Burbank-Glendale-Pasadena, VOR Rwy 7, Amdt. 3

Rio Vista, CA—Rio Vista Muni, VOR-A, Amdt. 3

Meriden, CT—Meriden Markham Muni, VOR Rwy 36, Original

Peoria, IL—Greater Peoria, VOR Rwy 12 (TAC), Amdt. 18

Starkville, MS—George M. Bryan Field, VOR/DME-A, Amdt. 4

Hawthorne, NV—Hawthorne Muni, VOR/DME-A, Original, cancelled

Cortland, NY—Cortland County—Chase Field, VOR Rwy 6, Amdt. 1, cancelled

Elmira, NY—Chemung County, VOR Rwy 8, Amdt. 12, cancelled

Montgomery, NY—Orange County, VOR Rwy 8, Amdt. 6

Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 4, Amdt. 11

Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 22, Amdt. 2

Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 28, Amdt. 3

Maxton, NC—Laurinburg-Maxton, VOR/DME-A, Amdt. 3

Napoleon, OH—Henry County, VOR Rwy 28, Amdt. 3

Columbia-Mt. Pleasant, TN—Maury County, VOR/DME-A, Amdt. 3

Lebanon, TN—Lebanon Muni, VOR/DME-A, Amdt. 3

Dallas, TX—Dallas Love Field, VOR/DME Rwy 13R, Amdt. 4  
Hopewell, VA—Hopewell, VOR Rwy 26, Amdt. 4 cancelled

\* \* \* *Effective October 1, 1981*

Liberal, KS—Liberal Muni, VOR Rwy 3, Original  
Liberal, KS—Liberal Muni, VOR Rwy 17, Amdt. 5  
Liberal, KS—Liberal Muni, VOR Rwy 35, Amdt. 9  
Liberal, KS—Liberal Muni, VOR/DME Rwy 17, Amdt. 1  
Liberal, KS—Liberal Muni, VOR/DME Rwy 35, Amdt. 1

\* \* \* *Effective August 27, 1981*

Crescent City, CA—Jack McNamara Field, VOR Rwy 11, Amdt. 8  
Crescent City, CA—Jack McNamara Field, VOR/DME Rwy 11, Amdt. 10  
Crescent City, CA—Jack McNamara Field, VOR/DME Rwy 35, Amdt. 9

Note.—The FAA published an amendment in Docket No. 22117, amdt No. 1198 to part 97 of the Federal Aviation Regulations (Vol 46 FR No. 173 page 44753; dated September 8, 1981) under section 97.23 effective October 15, 1981, which is hereby amended as follows: Lihue, HI—Lihue, VOR/DME-C Amdt 1; Lihue, HI—Lihue, VOR-D, Amdt 1; Lihue, HI—Lihue, VOR/DME or Tacan Rwy 21, Amdt 2; Lihue, HI—Lihue, VOR/DME or Tacan-A, Amdt 7; Lihue, HI—Lihue, VOR or Tacan-B Amdt 4, Lihue, HI—Lihue, VOR/DME-3 Rwy 21, Amdt 1. Change effective to: 1 October 81.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

\* \* \* *Effective October 29, 1981*

Muscle Shoals, AL—Muscle Shoals, LOC/DME (BC) Rwy 11, Amdt. 2, cancelled  
Farmungdale, NY—Republic LOC BC Rwy 32, Amdt. 3  
Montgomery, NY—Orange County, LOC Rwy 3, Amdt. 3  
Fayetteville, NC—Fayetteville Muni (Grannis Field), LOC BC Rwy 22, Amdt. 2  
Reedsville, PA—Veterans Memorial Airpark, LOC Rwy 6, Amdt. 4  
Greer, SC—Greenville-Spartanburg, LOC Rwy 21, Amdt. 3  
Columbia-Mt. Pleasant, TN—Maury County, SDF Rwy 23, Amdt. 2  
Dallas, TX—Dallas Love Field, LOC BC Rwy 31R, Amdt. 25

\* \* \* *Effective October 15, 1981*

Ft. Lauderdale, FL—Ft. Lauderdale Executive, LOC Rwy 3, Amdt. 1, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

\* \* \* *Effective November 26, 1981*

Philadelphia, PA—Wings Field, NDB Rwy 6, Amdt. 7

\* \* \* *Effective October 29, 1981*

Rialto, CA—Rialto Muni/Miro Fld, NDB-A, Amdt. 1  
Columbus, GA—Columbus Metropolitan NDB Rwy 5, Amdt. 24

Clarinda, IA—Schenck field, NDB-A, Amdt. 2  
Starkville, MS—George M. Bryan, NDB-C, Amdt. 1

Montgomery, NY—Orange County, NDB Rwy 3, Amdt. 1

Fayetteville, NC—Fayetteville Muni (Grannis Field), NDB Rwy 4, Amdt. 10  
Sioux Falls, SD—Joe Foss Field, NDB Rwy 3, Amdt. 20

Columbia-Mt. Pleasant, TN—Maury County, NDB Rwy 23, Amdt. 2

Houston, TX—Houston Intercontinental, NDB Rwy 8, Amdt. 7

Morrisville, VT—Morrisville-Stowe State, NDB-A, Amdt. 5

\* \* \* *Effective October 1, 1981*

Liberal, KS—Liberal Muni, NDB Rwy 35, Amdt. 1

Dallas, TX—Addison, NDB Rwy 33, Original, cancelled

Dallas, TX—Addison, NDB-C, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

\* \* \* *Effective October 29, 1981*

Burbank, CA—Burbank-Glendale-Pasadena, ILS Rwy 7, Amdt. 29

Ontario, CA—Ontario Intl, ILS Rwy 26R, Amdt. 34

Washington, DC—Washington National, LDA Rwy 18 Amdt. 10

Savannah, GA—Savannah Muni, ILS Rwy 9, Amdt. 20

Peoria, IL—Greater Peoria, ILS Rwy 12, Original

Fayetteville, NC—Fayetteville Muni (Grannis Field), ILS Rwy 4, Amdt. 10

Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Intl, ILS Rwy 4, Amdt. 29

Dallas, TX—Dallas Love Field, ILS Rwy 13L, Amdt. 25

Dallas, TX—Dallas Love Field, ILS Rwy 31L, Amdt. 11

Houston, TX—Houston Intercontinental, ILS Rwy 8, Amdt. 10

Houston, TX—Houston Intercontinental, ILS Rwy 14L, Amdt. 7

Houston, TX—Houston Intercontinental, ILS Rwy 28, Amdt. 6

Houston, TX—Houston Intercontinental, ILS Rwy 32R, Amdt. 3

\* \* \* *Effective October 15, 1981*

Ft. Lauderdale, FL—Ft. Lauderdale Executive, ILS Rwy 8, Original

\* \* \* *Effective October 1, 1981*

Liberal, KS—Liberal Muni, ILS Rwy 35, Amdt. 1

\* \* \* *Effective September 3, 1981*

Alpena, MI—Phelps-Collins, ILS Rwy 36, Amdt. 6

\* \* \* *Effective August 27, 1981*

Crescent City, CA—Jack McNamara Field, ILS/DME Rwy 11, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

\* \* \* *Effective October 29, 1981*

Columbus, GA—Columbus Metropolitan, RADAR-1, Amdt. 6

Peoria, IL—Greater Peoria, RADAR-1, Amdt. 7

Fayetteville, NC—Fayetteville Muni (Grannis Field), RADAR-1, Amdt. 2

Dallas, TX—Dallas Love Field, RADAR-1, Amdt. 22

6. By amending § 97.33 RNAV SIAPs identified as follows:

\* \* \* *Effective November 26, 1981*

Philadelphia, PA—Wings Field, RNAV Rwy 6, Amdt. 3

\* \* \* *Effective October 29, 1981*

Gadsden, AL—Gadsden Muni, RNAV Rwy 24, Amdt. 1, cancelled

Stockton, CA—Stockton Metropolitan, RNAV Rwy 29R, Amdt. 3, cancelled

Burlington, IA—Burlington Muni, RNAV Rwy 18, Amdt. 3, cancelled

Port Huron, MI—St. Clair County Intl, RNAV Rwy 4, Amdt. 4, cancelled

Port Huron, MI—St. Clair County Intl, RNAV Rwy 22, Amdt. 4, cancelled

Elmira, NY—Chemung County, RNAV Rwy 6, Amdt. 1, cancelled

\* \* \* *Effective October 1, 1981*

Liberal, KS—Liberal Muni, RNAV Rwy 12, Amdt. 2

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 [49 U.S.C. 1348, 1354(a), 1421, and 1510]; Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Issued in Washington, D.C. on September 11, 1981.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

John M. Howard,  
Acting Chief, Aircraft Programs Division.

[FR Doc. 81-27367 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 99

[Amdt. 99-11; Docket No. 22142]

### Security Control of Air Traffic; Revocation of Panama Canal Air Defense Identification Zone

AGENCY: Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This action removes from the Federal Aviation Regulations (FAR's) all references to the Panama Canal Zone Domestic Air Defense Identification Zone (ADIZ). The ADIZ's are established to identify airspace wherein, for national defense purposes, flight must be approved and monitored by military authority through an appropriate aeronautical facility.

The Territory known as the Panama Canal Zone ceased to exist on October 1, 1979, when the Panama Canal Treaty between the United States and the Republic of Panama became effective. Accordingly, this action removes from the Federal Aviation Regulations regulatory language dealing with flight within the Republic of Panama's sovereign airspace.

**DATES:** Effective date—October 21, 1981. Comments on the rule must be received before October 21, 1981.

**ADDRESSES:** Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22142, 800 Independence Avenue, SW., Washington, DC 20591, or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC.

Comments may be examined in the Rules Docket, weekdays except Federal holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** William C. Davis, Air Traffic Rules Branch (AAT-223), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3128.

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

Although this action is in the form of a final rule which involves airspace modifications which are dictated by international treaty, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information, to review the regulations. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed.

#### Background

The Panama Canal Treaty, effective October 1, 1979, returned sovereign control of the United States Territory known as the Panama Canal Zone to the Republic of Panama. That transfer of control included sovereignty over the airspace above the former Canal Zone. Accordingly, the authority of the FAA to regulate that airspace ended on the date that the treaty became effective.

By letter received on May 28, 1980, the Chief, Aviation Program and Policy Division, United States Department of State, requested that the phrase "Panama Canal Zone" in the FAR's be changed to "Republic of Panama." This action will eliminate entirely those FAR's which reference the Panama Canal Zone.

The ADIZ's were established to ensure that the Department of Defense could monitor and identify all aircraft entering United States airspace. Since the Panama Canal Zone is no longer sovereign airspace of the United States, the need and authority for surrounding it with a domestic ADIZ no longer exist. On April 10, 1980, the Republic of Panama established its own ADIZ around the former Canal Zone.

The United States Department of Defense has approved this cancellation of the Panama Canal Zone ADIZ.

Because the Panama Canal Treaty has already effectively invalidated the Panama Canal Zone ADIZ, this amendment merely alters the FARs to conform to a situation which already exists. I, therefore, find that advance notice and public procedure are unnecessary in this instance.

#### Adoption of the Amendment

Accordingly, Part 99 of the Federal Aviation Regulations (14 CFR Part 99) is amended, effective 0900 GMT, October 21, 1981, as follows:

#### PART 99—SECURITY CONTROL OF AIR TRAFFIC

##### § 99.33 [Reserved]

1. Section 99.33 of Subpart A is removed. This section is reserved.

##### § 99.43 [Amended]

2. In § 99.43 of Subpart B, paragraph (c) is removed.

(Secs. 307, 313(a), 1102, 1110, and 1202, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1502, 1510, and 1522))

**Note.**—This action merely alters the Federal Aviation Regulations to conform to rules and procedures previously established by international agreement. The FAA has thus determined that this action—(1) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034);

February 26, 1979); and (2) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this regulation is being issued as a result of a Treaty with the Republic of Panama, it is excluded from the provisions of Executive Order 12291.

Issued in Washington, DC, on September 11, 1981.

J. Lynn Helms,  
Administrator.

[FR Doc. 81-27381 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF DEFENSE

#### Office of the Secretary

#### 32 CFR Part 199

[DoD Regulation 6010.8-R]

#### Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Interim notice of policy.

**SUMMARY:** This is an interim notice of policy to Part 199 of this title. This notice advises the public of a change to DoD Regulation 6010.8-R in connection with ambulatory surgery. For specified surgical procedures performed in a hospital outpatient department or authorized freestanding ambulatory surgery facility, CHAMPUS benefits may now be extended on the basis of the inpatient cost-sharing formula. This change results from Pub. L. 96-552, signed into effect on December 19, 1980 and applies only to dependents of uniformed service members on active duty.

**EFFECTIVE DATE:** The provisions contained in this interim notice are effective retroactively for specified covered surgical procedures performed on or after October 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** James N. Snipe, Chief, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, telephone (303) 341-8608.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

Section 199.10(f)(2) of this part sets forth cost-sharing provisions for dependents of active duty members of the uniformed services. For otherwise covered outpatient services or supplies

provided in any fiscal year, this class of beneficiaries is responsible for payment of the first \$50, plus 20% of the CHAMPUS-determined allowable costs/charges. The cost-sharing rate for covered inpatient care is the first \$25, or the amount the beneficiary/patient (or sponsor) would have been charged had the inpatient care been provided in a Uniformed Service hospital (currently \$5.50 per day), whichever is greater.

Because of CHAMPUS' inpatient cost-share advantages for dependents of active duty members, certain surgical procedures which could safely and effectively be performed in an outpatient setting are often obtained on an inpatient basis, resulting in increased costs to the Government. In an effort to reduce health care costs, and due to the increasing popularity and widespread use of ambulatory surgery, Pub. L. 96-552 was signed into effect. For dependents of members of the Uniformed Services serving on active duty, this Public Law now permits CHAMPUS to apply inpatient cost-sharing rates for certain surgery performed on an outpatient basis. Thus, the inpatient cost-sharing provisions may be applied when certain specified surgical procedures are performed in the outpatient department of a hospital or in an authorized freestanding ambulatory surgical facility. Since the primary intent of Pub. L. 96-552 is to reduce hospital costs related to those surgical procedures which could be performed on an outpatient basis, those procedures which are routinely performed on an outpatient basis will continue to be cost-shared in accordance with the outpatient cost-sharing formula.

It should be noted here that for these outpatient procedures that qualify for application of the inpatient cost-sharing provisions under this change, the \$25.00 cost share amount applies to *each* episode of care, not once per fiscal year as does the outpatient deductible. In the same respect, the \$25.00 cost share cannot be used to satisfy the annual fiscal year outpatient deductible.

An amendment to DoD Regulation 6010.8-R reflecting this change in benefits, a list of the specified procedures which qualify for the special ambulatory cost sharing, and the criteria under which freestanding ambulatory surgical facilities may be considered as authorized CHAMPUS providers, will be published shortly. CHAMPUS Fiscal Intermediaries will delay processing claims for ambulatory surgery until the more detailed Regulation change is published.

Dependents of active duty military members whose claims for ambulatory surgery (performed on or after October

1, 1980) have already been reimbursed in accordance with the CHAMPUS outpatient cost-sharing provisions, should *resubmit their claims to the appropriate CHAMPUS Fiscal Intermediary* for reconsideration of reimbursement in accordance with this change. Only those claims for outpatient surgery performed in an outpatient department of a hospital or authorized freestanding ambulatory surgery facility should be re-submitted. As soon as detailed instructions are received, the already processed claims will be reviewed and, where advantageous to the beneficiary, will be recomputed on the basis of the special ambulatory surgery cost-sharing provision.

Dated: September 16, 1981.

M. S. Healy,  
OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.

[FR Doc. 81-27319 Filed 9-18-81; 8:45 am]  
BILLING CODE 2310-01-M

## VETERANS ADMINISTRATION

### 38 CFR Part 36

#### Increase in Maximum Permissible Interest Rate on Mobile Home Loans

**AGENCY:** Veterans Administration.

**ACTION:** Final regulations.

**SUMMARY:** The VA (Veterans Administration) is increasing the maximum permissible interest rate on guaranteed mobile home loans. The maximum interest rates are increased because the former rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. The increases will attract funds for GI mobile home loans; thereby, allowing veterans to purchase mobile homes with the assistance of no downpayment VA loans.

**EFFECTIVE DATE:** September 14, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202-389-3042.

**SUPPLEMENTARY INFORMATION:** The Administrator is required by law to establish a maximum interest rate for mobile home loans guaranteed by the Veterans Administration as he finds the capital markets demand. This authority has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them. Recent market indicators, including the general

increase in interest rates charged on conventional mobile home loans and the increase in the prime interest rate, have shown that the capital markets have become more restrictive. The maximum rates formerly in effect for VA guaranteed mobile home loans were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. To assure a continuing supply of funds for mobile home loans through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed mobile home loans.

The increase in the interest rate applies to mobile home unit loans, mobile home lot and site preparation loans, and combination loans involving the purchase of a mobile home unit and lot.

#### Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 Federal Register, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

This regulatory amendment has also been reviewed under the provisions of Executive Order 12291. The VA finds that it does not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of credit at rates consistent with the market.

This final regulation comes within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR § 1.12. The publication of notice of a regulatory change in maximum interest rates for

VA guaranteed mobile home loans. would create an acute shortage of funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of a proposed regulation prior to publication of a final regulation is impracticable, unnecessary, and contrary to the public interest.

The official program number and title of the VA program affected by this action as set forth in OMB Circular A-89, Catalog of Federal Domestic Assistance, is 64.119, Veterans Housing—Mobile Home Loans.

This regulation is adopted under authority granted to the Administrator by sections 210(c), and 1819(f) and (g) of title 38, United States Code and delegated to the undersigned by 38 CFR § 2.6(b)(3). The regulation is clearly within that statutory authority and is consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending § 36.4212(a)(1), (2), (3), Title 38, Code of Federal Regulations.

Approved: September 11, 1981.

By direction of the Administrator.

Dorothy L. Starbuck,  
Chief Benefits Director.

## PART 36—LOAN GUARANTY

In § 36.4212, paragraph (a) is revised as follows:

### § 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date [38 U.S.C. 1819(f)]:

(1) Effective September 14, 1981, 19½ percent simple interest per annum for a loan which finances the purchase of a mobile home unit only.

(2) Effective September 14, 1981, 19 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective September 14, 1981, 19 percent simple interest per annum for a loan which will finance the simultaneous acquisition of a mobile home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the mobile home.

(38 U.S.C. 210(c), 1819(g))

[FR Doc. 81-27374 Filed 9-18-81; 8:45 am]

BILLING CODE 8320-01-M

## 38 CFR Part 36

### Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums, and for Home Improvement Purposes

AGENCY: Veterans Administration.

ACTION: Final regulations.

**SUMMARY:** The VA (Veterans Administration) is increasing the maximum interest rates on guaranteed, insured and direct loans for homes and condominiums and for energy conservation and other home improvement loans. The maximum interest rates are increased because the former interest rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rates will assure a continuing supply of funds for home mortgages and improvement purposes.

**EFFECTIVE DATE:** September 14, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW, Washington, D.C. 20420 (202-389-3042).

**SUPPLEMENTARY INFORMATION:** The Administrator is required to establish a maximum interest rate for home and condominium loans and energy conservation and home improvement loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. This authority has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed home and condominium loans and those for energy conservation and home improvement purposes have not been sufficiently competitive to induce private sector lenders to make these types of VA guaranteed or insured loans without imposing substantial

discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates applicable to home and improvement loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981, Federal Register (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the maximum interest rates for VA guaranteed, insured, and direct home and condominium loans and loans for energy conservation and other home improvement purposes would create an acute shortage of funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

\* \* \* \* \*

The official program numbers and titles of the VA programs affected by this action as set forth in OMB Circular A-89, Catalog of Federal Domestic Assistance, are 64.113, Veterans Housing—Direct Loans and Advances, and 64.114, Veterans Housing—Guaranteed and Insured Loans.

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending §§ 36.4311 and 36.4503(a), Title 38, Code of Federal Regulations.

Approved: September 11, 1981.

By direction of the Administrator.

Dorothy L. Starbuck,  
Chief Benefits Director.

## PART 36—LOAN GUARANTY

1. In § 36.4311, paragraphs (a) and (b) are revised to read as follows:

### § 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 17½ per centum per annum, effective September 14, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 17½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective September 14, 1981, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 18 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

2. In § 36.4503, paragraph (a) is revised to read as follows:

### § 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the

provisions of §36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 17½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 18 percent per annum. (38 U.S.C. 1811(d) (1) and (2)(A))

(38 U.S.C. 210(c), 1803(c))

[FR Doc. 81-27375 Filed 9-18-81; 9:45 am]

BILLING CODE 8320-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[A-6-FRL-1929-7]

### Designation of Areas for Air Quality Planning Purposes: State of Texas

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

**SUMMARY:** This rule reaffirms the attainment status designation for ozone (O<sub>3</sub>) for McLennan County, Texas which was promulgated April 8, 1980. This rule was necessitated by the decision of the U.S. Court of Appeals for the Fifth Circuit remanding to EPA its (EPA) original designation of March 3, 1978 of McLennan County as a nonattainment area for ozone. The notice proposing to reaffirm the ozone attainment designation for McLennan County was published in the Federal Register on May 29, 1981 at 46 FR 28872.

**EFFECTIVE DATE:** Effective on October 21, 1981.

**FOR FURTHER INFORMATION CONTACT:** Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

**SUPPLEMENTARY INFORMATION:** On May 29, 1981 at 46 FR 28872, EPA proposed to reaffirm the attainment status designation for ozone (O<sub>3</sub>) for McLennan County, Texas. Public comments were solicited but none were received. Therefore, EPA is hereby reaffirming the attainment designation for ozone (O<sub>3</sub>) for McLennan County.

A complete discussion of the proposal is found in EPA's notice of proposed rulemaking 46 FR 28872, May 29, 1981. Briefly stated, on June 28, 1980, the United States Court of Appeals for the Fifth Circuit set aside the nonattainment ozone designation for McLennan County

promulgated by EPA on March 3, 1978. The Court found that EPA had violated the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553 [d] and [c], by failing to provide notice and opportunity to comment prior to taking final action on the original McLennan County nonattainment designation. The Court also found that EPA's subsequent redesignation to attainment for McLennan County promulgated on April 8, 1980, did not necessarily moot the controversy because, on the basis of the record before it, it could not find that a further redesignation of McLennan County to nonattainment was not imminent.

EPA believes that the ozone attainment designation promulgated on April 8, 1980, moots the case before the Fifth Circuit. However, to satisfy the Court's remand order, EPA is hereby reaffirming the attainment designation for ozone (O<sub>3</sub>) for McLennan County.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only reaffirms an area air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of September 21, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is Major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because this action is taken pursuant to a court order and is only a reaffirmation of an attainment designation already in effect; therefore, it imposes no new regulatory requirements. This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 107(d), 171(2), and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7407(d), 7501(2), and 7601(a))

Dated: September 15, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-27376 Filed 9-18-81; 8:45 am]  
BILLING CODE 5560-38-M

#### 40 CFR Part 81

[A-9-FRL 1930-4]

#### Designation of Areas for Air Quality Planning Purposes; Michigan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final rulemaking.

**SUMMARY:** On March 19, 1981, the State of Michigan, pursuant to section 107(d)(5) of the Clean Air Act (Act), requested the U.S. Environmental Protection Agency (EPA) to reduce the size of the area in Saginaw County that is designated nonattainment for carbon monoxide (CO). EPA has reviewed the redesignation request and the data submitted by the State to support the request and approves reduction of the size of the Saginaw County nonattainment area.

The purpose of this notice is to announce receipt of the redesignation request, to discuss the results of EPA's review, and to announce final rulemaking action today on the redesignation request. This action is effective November 20, 1981, unless comments are received before that date. **EFFECTIVE DATE:** November 20, 1981.

**ADDRESSES:** Copies of the redesignation request and the supporting air quality data are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Michigan Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909

Requests for comments on this final proposed rule should be addressed to:

Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

**FOR FURTHER INFORMATION CONTACT:** Anne Ernszt, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6039.

**SUPPLEMENTARY INFORMATION:** Under section 107(d) of the Clean Air Act (Act) as amended in 1977, each state was to submit to the Administrator of EPA a list of those areas within the state with ambient air concentrations of the pollutants sulfur dioxide (SO<sub>2</sub>), total suspended particulates (TSP), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), and ozone (O<sub>3</sub>) exceeding the EPA-established primary and secondary National Ambient Air Quality Standards (NAAQS) for each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each state which had ambient air concentrations of any of these pollutants at or below the NAAQS were to be designated as attainment areas. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified areas.

The purpose of making these designations was to determine which areas within the state required additional control measures to reduce the emissions of these five air pollutants or their precursors. For those areas designated as nonattainment, the Clean Air Act Amendments of 1977 required the state to submit a revised State Implementation Plan (SIP) by January 1, 1979. These SIP revisions must demonstrate attainment of the NAAQS as expeditiously as practicable, but, in the case of national primary ambient air quality standards, not later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987 for ozone and/or carbon monoxide.

In the March 3, 1978 Federal Register (43 FR 8962) and in the October 5, 1978 Federal Register (43 FR 45993), the Administrator of EPA promulgated lists of nonattainment areas for each pollutant in each State. These lists also contained classifications for the attainment and unclassified areas within the State.

Pursuant to section 107(d) of the Act, the designation for an area may be changed whenever sufficient data exist to warrant a redesignation. A change in an area's designation from primary nonattainment to either secondary nonattainment or attainment may be approved if there are eight consecutive quarters of the most recent quality assured, representative ambient air quality data which show no violation of the appropriate primary NAAQS. This change in designation may also be approved if (1) four consecutive quarters of data indicate no violations and (2) enforceable emission controls have been

instituted which are sufficient to explain the air quality improvement.

On October 5, 1978, EPA designated the following area in Saginaw County as nonattainment for CO: R4E, T12N, Sections 1, 12, 13, & 24 R5E, T12N, Sections 4-9, 16-21, (40 CFR 81.323).

On March 19, 1981, the State of Michigan requested EPA to reduce the size of the nonattainment area in Saginaw County to the following:

Starting at the SE corner of the NAA at the intersection of Needham and Findley Roads, the southern boundary is west on Needham Road to N. 14th, south on N. 14th to Farwell and west on Farwell to N. 6th. The western boundary runs north from the Farwell-N. 6th intersection to the north boundary of the southern half of the SW quarter of Section 7. The NAA is bounded on the north by the northern boundary of the southern half of the SW and SE quarters of Section 7 and the northern boundary of the southern half of the SW and SE quarters of Section 8 from N. 6th to Findley Road. The eastern boundary of the NAA runs along Findley Road south to the intersection of Findley and Needham Roads.

To support this redesignation request, on March 19, 1981 the State submitted available CO ambient monitoring data collected between 1978 and 1980 for all State and industrial monitors located within the present nonattainment area. There are a total of 5 monitors in the area: Site 901, located at Hack and Crow Island, Site 902, located in the Chevrolet Ball Field, Site 903, located at Norman and Fifth Streets and Site 904, located at 3235 N. Washington and Site 002 located at Second National Bank M-13 at M-81 Saginaw.

Although there were not eight continuous quarters showing attainment for sites 901, 902, 903 and 904, there were four quarters of data showing attainment following the implementation of controls for sources at these locations. The fifth, site 002, was the only one with the area showing violations of the NAAQS. To determine the size of the proposed nonattainment area the State examined the impact of CO emissions from sources located near site 002.

Located near that site are two plants, the General Motors Nodular Iron Foundry Plant and the General Motors Grey Iron Foundry Plant. The State of Michigan determined that the Nodular Iron Plant did not significantly contribute to the CO readings at Site 002. The Grey Iron Plant, however, was judged to be the principal cause of the exceedances at Site 002. Therefore, the State defined the nonattainment area so that it would include the Grey Iron Plant.

As a result of the data collected at the five monitors in the area, the State of

Michigan has determined that the present CO nonattainment area should be reduced and that the boundaries described above which include the Grey Iron Foundry, should define the proposed nonattainment area.

After reviewing the monitoring data submitted for the area and the proposed boundary modification, EPA has determined that the monitoring data is valid and the redesignation is appropriate. Therefore, EPA approves reduction of the size of the CO nonattainment area to the area described above.

This action will be effective November 20, 1981. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose this action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that revisions of attainment status designations under Section 107(d) of the Act will not have a significant economic impact on a substantial number of small entities. Today's rulemaking proposes to revise an attainment designation under Section 107(d) and will, if promulgated, remove some regulatory requirements mandated by the CAA.

Under Executive Order 12291 (Order), EPA must also judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes air quality designations and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in an separate notice. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

This Notice of Final Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended [42 U.S.C. 7407].

Dated: September 11, 1981.

John W. Hernandez, Jr.,  
Acting Administrator.

## PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

### Subpart C—Section 107 Attainment Status Designations

Section 81.323 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Michigan—CO", the entry for Saginaw County should be revised to read as follows:

#### § 81.323 Michigan.

#### Michigan—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
<p>AOQR 122—Except subareas defined: Saginaw County: Starting at the SE corner of the NAA at the intersection of Needham and Findley Roads, the southern boundary is west on Needham Road to N. 14th, south on N. 14th to Farwell and west on Farwell to N. 6th. The western boundary runs north from the Farwell-N. 6th intersection to the north boundary of the southern half of the SW quarter of Section 7. The NAA is bounded on the north by the northern boundary of the southern half of the SW and SE quarters of Section 7 and the northern boundary of the SW and SE quarters of Section 8 from N. 6th to Findley Road. The eastern boundary of the NAA runs along Findley Road south to the intersection of Findley and Needham Roads.</p> <p>The remainder of Saginaw County</p>	X	

[FR Doc. 81-27373 Filed 9-18-81; 8:45 am]  
BILLING CODE 6560-01-M

#### 40 CFR Part 86

[FRL-1881-71]

#### Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This regulation establishes CO emission standards for several 1982 model year light-duty vehicle engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). This action has the effect of allowing the manufacturer in question to produce the vehicles covered by this action under the higher CO emission standard of 7.0 grams per vehicle mile (g/mi).

**EFFECTIVE DATE:** Immediately.

**FOR FURTHER INFORMATION CONTACT:** Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-2521.

**ADDRESSES:** Information relevant to this rule, including the document embodying my decision on the waiver application in question is contained in Public Docket EN-81-6 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40

CFR Part 2, a reasonable fee may be charged for copying services. Copies of the decision document may also be obtained by contacting the Manufacturers Operations Division as stated above.

**SUPPLEMENTARY INFORMATION:** Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the "statutory standard" for CO, of 3.4 g/mi.

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles for which I have granted waivers. General Motors Corporation (GM) submitted an application for waivers for certain light-duty vehicle models for the 1982 model year. The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by the waiver application, and my decision to grant the waiver requests appear in a decision available in the

Public Docket and the Manufacturers Operations Division as stated above. In that decision, I granted waivers covering the following vehicle models (considered as engine families for purposes of that decision) for the 1982 model year:

Manufacturer	Engine family
General Motors Corp.....	3.8 Liter (L)/229 CID-2V. 4.4L 5.0/5.7L

For the reasons detailed in the decision on GM's application, I have determined that the public interest benefits from granting these waiver requests from this manufacturer, which is facing substantial economic problems, outweigh the potential environmental benefits from denying these waivers. Information submitted in support of these waiver requests established that it is essential to provide this manufacturer with sufficient production flexibility to improve the competitiveness of these models under current market conditions by waiving the 3.4 g/mi statutory CO standard and providing the manufacturer with the ability to improve fuel economy and driveability and possibly to reduce the cost of its vehicles.

Once I have decided to grant the waiver applications for these vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of these engine families to exceed 7.0 g/mi. The Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver application in question. The public has been afforded an opportunity to comment on this waiver application, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking would be impracticable and unnecessary.

I find that good cause exists to make this rule effective immediately since it would avoid the possibility of forcing the affected manufacturer to delay introducing its 1982 model year vehicles into commerce because it must wait to receive certificates of conformity for these models until this rule becomes effective.

Note.—Because the decision accompanying this rulemaking is based on a detailed analysis indicating that this rulemaking will

have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

GM has indicated that waivers would result in a reduction in first costs to consumers, although GM was unable to determine the actual amount. Further, since this action has the effect of reducing the regulatory burden on a domestic manufacturer, it is unlikely to have an adverse effect on employment, investment, or productivity. The applicant, GM, is a United States-based enterprise; therefore, this action should not adversely affect the ability of this manufacturer to compete with foreign-based enterprises.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard established by this notice directly affects only GM, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a).

Dated: September 15, 1981.

Anne M. Gorsuch,  
Administrator.

#### PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

For the reasons set forth above, 40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) \* \* \*

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the

following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp.....	151 CID. 258 CID.
BL Cars, Ltd.....	215 CID. 326 CID. 4.2 liter/fuel injected.
Chrysler Corp.....	1.6 liter. 1.7 liter. 2.2 liter. 2.6 liter. 3.7 liter. 5.2 liter/2-V. 5.2 liter/4-V.
Excalibur Motors, Ltd.....	305 CID.
Ford Motor Co.....	1.6 liter. 2.3 liter/turbocharged. 2.3 liter. 3.3 liter. 3.8 liter/V-6. 4.2/5.0 liter. 5.8 liter.
General Motors Corp.....	1.6 liter. 1.8/2.0 liter. 1.8 liter/fuel injected. 2.5 liter/throttle body fuel injected. 2.8 liter/173 CID-2V. 3.0/3.8 liter/231 CID-2V. 3.8 liter/turbocharged. 3.8 liter/229 CID-2V. 4.1 liter/fuel injected. 4.4 liter. 5.0/5.7 liter/fuel injected. 5.0/5.7 liter.
Lotos Cars, Ltd.....	2.0 liter. 2.2 liter. 2.2 liter/turbocharged. 4.0 liter.
Subaru of America.....	1.6 liter. 1.8 liter.
Toyota Motor Co. Ltd.....	88.6 CID
Volkswagen of America.....	1.7 liter/foed back carburetor.

\* \* \* \* \*

{Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a)}

[FR Doc. 81-27378 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-33-M

#### 40 CFR Part 123

[SW-7-FRL 1923-4]

#### Kansas Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Issuance of Phase I Interim Authorization of State Program.

SUMMARY: The State of Kansas has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act (RCRA) and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Kansas to operate a

hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

**EFFECTIVE DATE:** September 17, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Robert L. Morby, Chief, Hazardous Materials Branch, U.S. EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106 (Telephone 816/374-6534).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In the May 19, 1980, Federal Register (45 FR 33063), EPA promulgated regulations pursuant to Subtitle C of RCRA, to protect human health and the environment from the improper management of hazardous wastes. Included in these regulations, which became effective on November 19, 1980, were provisions for a transitional stage during which states could be granted interim program authorization provided that state programs were determined to be substantially equivalent to the Federal program. The interim authorization process will be implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

The State of Kansas submitted its draft application for Phase I interim authorization on August 1, 1980. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration on October 14, 1980. The State subsequently made revisions to its Phase I interim authorization application in order to clarify those aspects of the program which had been questioned during the EPA review. In addition, new hazardous waste legislation and emergency regulations were proposed and eventually approved.

On April 13, 1981, the State of Kansas submitted its final application for Phase I interim authorization. A May 4, 1981, Federal Register notice (45 FR 24968) announced the availability of the Kansas interim authorization application for public review and gave notice of a June 3, 1981, public hearing.

After detailed review of the final Kansas application and hazardous waste management program by an EPA review team consisting of both Headquarters and Regional Office personnel, comments were transmitted to the State of Kansas on May 27, 1981, concerning the following primary areas of concern.

1. The State of Kansas had newly-passed hazardous waste legislation which was effective July 1, 1981. Since this legislation provided more authority

including enforcement remedies and fines, it was recommended that the new legislation be further discussed and cited in the application.

2. The Attorney General's Statement must certify that the authorization plan, if carried out, would provide the State with legal authority to meet requirements for final Phase I authorization.

3. The State's authority to adopt regulations by reference must be addressed by the Attorney General. Also, clarification of which Federal regulations were adopted by reference and were applicable in the April 10, 1981, Kansas emergency regulations was needed.

4. Adequate authority to sue had not been demonstrated.

5. It had not been demonstrated that any of the available options for public participation in the enforcement process have been satisfied.

There were a number of minor comments in EPA's May 27, 1981, letter in addition to the primary ones listed above. To allow for sufficient public review, a June 1, 1981, Federal Register notice (46 FR 29292) extended the public comment period to July 3, 1981, since it was anticipated that a response to these comments would be available at the June 3, 1981, public hearing.

The State of Kansas did respond to most of these comments in a June 3, 1981, addendum to the application which was read into the record at the public hearing. However, references to newly-passed hazardous waste legislation and other clarifications requested of the Attorney General were not yet available. It was agreed that a revised Attorney General's Statement would be submitted no later than June 12, 1981. The State also requested at the public hearing that the formal review period be extended 45 days which meant that a decision must be made by EPA on interim authorization no later than September 17, 1981.

As agreed at the public hearing, a revised Attorney General's Statement was received by EPA on June 12, 1981. A June 12, 1981, Federal Register notice (45 FR 31028) again extended the public comment period to July 13, 1981, and announced that the formal review process had been extended 45 days to September 17, 1981, as requested by the State of Kansas.

After review of the June 3, 1981, addendum and the June 12, 1981, revised Attorney General's Statement, minor clarifications were still necessary in the areas of the applicability of Federal regulations, Attorney General's certification, authority to sue and public

participation. It was determined that another extension of the public comment period was not necessary since these issues had been previously addressed in the review process and needed clarification only. A discussion of these four areas follows.

1. The first area, concerning incorporation of Federal regulations by reference, created considerable confusion but has since been resolved by the State of Kansas. Kansas Administrative Regulation (KAR) 28-29-4 incorporated by reference 40 CFR 260 through 266 effective April 1, 1981, which apply as indicated in the Kansas regulations. Clarification of exactly which regulations are applicable in Kansas was needed.

The Attorney General and the State of Kansas have stated that all of the Federal regulations in 40 CFR 260 through 266 which were effective April 1, 1981, are applicable and enforceable in Kansas. Since Kansas regulations are substantially equivalent to the Federal regulations effective on April 1, 1981, a number of minor concerns regarding the Kansas regulations have been eliminated. Due to the incorporation of Federal regulations in the State regulations by reference, a few minor inconsistencies exist. Where such inconsistencies do exist, the more stringent requirements shall prevail.

2. The second problem area, concerning the Attorney General's Certification, has been resolved by the State. The June 12, 1981, Attorney General's Certification only addressed authority to meet the requirements for final authorization to issue and enforce permits and did not address legal authority to meet Phase I requirements. It was determined from further discussions with the Attorney General that his broad certification was intended to encompass Phase I. The Certification has been revised in the July 28, 1981, letter from the Attorney General to further clarify this issue.

Although the Attorney General's broad certification also addresses permitting, it is understood that Phase I authorization of the State's hazardous waste program does not include Federal permitting activities; EPA shall retain RCRA permitting authority until Phase II authorization has been granted to the State of Kansas.

3. The State of Kansas had not demonstrated adequate authority to sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirements in accordance with 40 CFR 123.128(f)(1)(ii). Further discussions with the State and the July 28, 1981, letter

from the Attorney General have resolved this matter in the following way.

Section 13(e) of the newly enacted House Bill 2181 provides, in part, the Kansas Department of Health and Environment with authority to take appropriate enforcement actions for a violation of state hazardous waste program requirements. The Attorney General advises that injunctive relief would be so classified, thus meeting the requirement noted above. In addition, Section 15 of the same Act allows judicial enforcement, including injunction, of the Department's administrative orders which may be issued "to prevent pollution or a hazard." Section 17(a)(2) of the Act specifically provides for injunctive relief where there is a substantial hazard.

4. The State of Kansas had not demonstrated authority to satisfy any of the available options for public participation in the enforcement process. The Attorney General stated in the June 12, 1981 statement that his office was unable to provide the assurance that it will not oppose intervention on the ground that the State is adequately representing the interest of the applicant because there may be occasions when only the Attorney General's office would be adequate to represent the public interest. Further clarification was needed as to the circumstances under which public intervention might be opposed.

The Kansas Rules of Civil Procedure, K.S.A. 60-224, are identical to Rule 24(a)(2) of the Federal Rules of Civil Procedure. Kansas has satisfied the intent of the Federal requirements for public participation in the enforcement process by providing general assurance from the Attorney General in his July 28, 1981 letter that he will not oppose a citizen's intervention in a judicial enforcement action brought by the State under the Kansas Hazardous Waste Management Act, on the grounds that he represents the interests of the proposed intervenor, but he may oppose the intervention if, in his judgment, it would impede or impair the Attorney General's ability to protect the interests of the State of Kansas. The Kansas Attorney General strongly supported his position with citations from the State constitution and Kansas Supreme Court cases.

The Kansas hazardous waste management program has been determined substantially equivalent to the Federal program and even more stringent in certain areas. As stated in

40 CFR 123.121(g), nothing precludes a State from:

1. Adopting or enforcing requirements which are more stringent or more extensive than those required under 40 CFR Part 123 Subpart F;

2. Operating a program with a greater scope of coverage than that required under the subpart. Where an approved program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the Federally approved program.

## II. Response to Public Comments

In the June 12, 1981 Federal Register notice (45 FR 31028), EPA gave the public until July 13, 1981, to comment on the Kansas application for Phase I interim authorization of the State's hazardous waste management program. The Agency also held a public hearing in Topeka, Kansas on June 3, 1981. One person offered comments at the public hearing as follows. Although the end of the comment period was extended from June 3, 1981, to July 13, 1981, to allow review of the addendum and the revised Attorney General's statement, no further comments were received.

*Comment:* The commentor had not received the Hearing Officer's report from a January 5, 1981 public hearing held by the State of Kansas concerning current Kansas regulations.

*Response:* The State of Kansas will send a copy of the Hearing Officer's report to the commentor.

*Comment:* Kansas requirements for annual reporting were not clear.

*Response:* The State of Kansas intends to adopt the same format and require the same information as EPA. Federal requirements for annual reports were cancelled this year and Kansas cancelled State requirements also.

*Comment:* The commentor felt that Kansas should also accept manifest formats which have been accepted by EPA and the Department of Transportation (DOT) rather than requiring a particular State format.

*Response:* Kansas regulations do state that a manifest form will be approved for use in Kansas. However, a specific form has not been established. Any form which supplies the information required by EPA and DOT is acceptable. A form has not been approved by Kansas due to the possibility of development of a national uniform manifest.

*Comment:* The commentor felt that requiring disposal authorization from the State before transporting hazardous waste was an unwarranted burden without any real gain.

*Response:* Disposal authorization is only required for off-site disposal of hazardous waste within the State of Kansas. This authorization remains valid for one year as long as the hazardous waste, disposal site and procedures remain the same. Also, the new hazardous waste legislation in Kansas mandates the encouragement of recycling and the minimization of land disposal. Requiring authorization prior to disposal allows the State an opportunity to review the disposal method and, if feasible, recommend recycling. The State believes this authorization is necessary to assure the protection of the environment and the citizens of Kansas since a commercial hazardous waste disposal facility is located in Kansas.

*Comment:* The commentor objected to a 100 kilogram per month exclusion quantity in Kansas rather than the 1000 kilograms per month as provided in 40 CFR 261.5(a).

*Response:* Kansas has had a hazardous waste management program since 1977 which is several years prior to the establishment of the Federal regulations. The State did not previously have an exclusion quantity, which meant essentially that all hazardous waste, regardless of quantity, was regulated. Kansas believes it is more reasonable to only increase the limit to 100 kilograms per month. Also, the State is aware that EPA has discussed lowering the Federal limit to 100 kilograms per month.

*Comment:* The Kansas regulations prohibit the use of waste oil as a fuel unless it has been reprocessed. This appears unreasonable since it would probably not be feasible to burn waste oil as fuel if it had to be reprocessed first.

*Response:* KAR 28-29-58(e) states that the use of waste oil as a fuel oil or fuel additive is prohibited unless the oil has been reprocessed or is capable of compliance with all air quality emission requirements. If waste oil can be burned as fuel without any air quality emission violations, it does not need to be reprocessed.

*Comment:* Changes and interpretations to the Federal regulations, such as Regulatory Interpretory Memoranda, are not required to be implemented by the State.

*Response:* The State of Kansas intends to incorporate appropriate changes of intent or interpretations of the Federal regulations into the operation of the State program and regulations as necessary. A bulletin

which is sent to members of the Kansas regulated community having EPA identification numbers would be utilized for notification of any changes. In addition, the State would have to incorporate any changes to the Federal regulations to date when subsequent components of Phase II are applied for.

### III. Decision

EPA has reviewed the complete application for Phase I interim authorization for the State of Kansas and has determined that the State program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR Part 123 Subpart F. In accordance with Section 3006(c) of RCRA, the State of Kansas is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Kansas will be subject to the State of Kansas hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260-263 and 265) and will not again be subject to Phase I of the Federal program unless: (1) The State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for cause by EPA.

### IV. Compliance With Executive Order 12291

Executive Order (EO) 12291 (46 FR 13193, February 19, 1981) requires that EPA prepare a Regulatory Impact Analysis for each major rule. The Order defines a "major rule" as any regulation that is likely to result in:

1. An annual effect on the economy of \$100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions;
3. Significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA's decision to approve the Phase I hazardous waste program in Kansas is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of Kansas. In the absence of this decision, persons handling hazardous waste in Kansas would have to comply with Parts 260-263 and 265 of Title 40 of the

Code of Federal Regulations in addition to all Kansas hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation."

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

### V. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 12, 1981.

William W. Rice,

*Acting Regional Administrator.*

*Subject:* Kansas Application for Interim Authorization, Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Dated: September 15, 1981.

Anne M. Gorsuch,

*Administrator.*

[FR Doc. 81-27378 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-30-M

### 40 CFR Part 180

[PP 7E1914/R345; PH-FRL 1935-8]

### Tolerances and Exemptions for Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Cross-Linked Nylon-Type Encapsulating Polymer

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes an exemption from the requirement of a tolerance for residues of cross-linked nylon-type encapsulating polymer when used as an inert encapsulating material for formulations of the insecticide parathion when applied to sorghum. This regulation was requested by Pennwalt Corp. This regulation will

permit residues of the subject encapsulating polymer on sorghum without establishment of a maximum permissible level.

**EFFECTIVE DATE:** Effective on September 21, 1981.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that published in the Federal Register of July 1, 1981 (46 FR 34353) that Pennwalt Corp., 900 First Ave., PO Box C, King of Prussia, PA 19406, had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for residues of the cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine when used as an encapsulating material for formulations of the insecticide parathion applied to sorghum.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included 90-day rat and dog feeding studies.

Based on the rat and dog 90-day feeding studies, the no-observed-effect level (NOEL) was 10,000 parts per million (ppm) each (the highest level fed). A 21-day radiotracer study in rats at the sensitivity level of 0.1 part per billion (ppb) showed no absorption across the gastrointestinal wall. No alteration in the gastrointestinal mucosa at 10,000 ppm in the diet or the presence of impaction sites was noted in the rat and dog feeding studies. The acceptable daily intake (ADI), theoretical maximum residue contribution (TMRC), and maximum permissible intake (MPI) are not considerations in this proposed

exemption because of the non-toxic nature of the encapsulating material. Tolerances have previously been established (40 CFR 180.121) for residues of parathion on a variety of raw agricultural commodities including sorghum at 0.1 ppm. The encapsulating polymer data are sufficient to evaluate the hazard from the proposed use. The nature of the encapsulating material is adequately understood. There is no reasonable expectation of residues in eggs, meat, milk, or poultry. There are no regulatory actions pending against registration of the encapsulating material, nor are there essential data lacking from the petition, nor are there any other considerations involved in establishing this exemption.

The subject polymer is considered useful for the purpose for which an exemption from the requirement of a tolerance is sought, and it is concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1028 will protect the public health. Therefore, the exemption from the requirement of a tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this regulation in the Federal Register, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: September 21, 1981.

(Sec. 408(e), 68 Stat. 514; [21 U.S.C. 346a(e)])

Dated: September 11, 1981.

James M. Conlon,  
*Acting Deputy Assistant Administrator for  
Pesticide Programs.*

#### **PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

Therefore, 40 CFR 180.1028 is amended by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

**§ 180.1028 Cross-linked nylon-type encapsulating polymer; exemption from the requirement of a tolerance.**

(a) \* \* \*

(b) The cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine is exempted from the requirement of a tolerance when used as an inert encapsulating material for formulations of parathion applied to growing sorghum.

[FR Doc. 81-27377 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-32-M

#### **INTERSTATE COMMERCE COMMISSION 49 CFR Part 1033**

[Service Order No. 1473; Amdt. No. 1]

**Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Amendment No. 1 to Twenty-second Revised Service Order No. 1473.

**SUMMARY:** Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation. **EFFECTIVE:** 11:59 p.m., September 30, 1981, and continuing in effect until 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

**FOR FURTHER INFORMATION CONTACT:** M. F. Clemens, Jr., (202) 275-7840.

#### **SUPPLEMENTARY INFORMATION:**

Decided: September 15, 1981.

Upon further consideration of Twenty-second Revised Service Order No. 1473 (46 FR 43427), and good cause appearing therefor:

*It is ordered*, § 1033.1473 Twenty-second Revised Service Order No. 1437, various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission. The limited duration of this extension is to permit the Commission time to consider the matter of future extensions requested by the Trustee.

*Effective date.* This order shall become effective at 11:59 p.m., September 30, 1981.

This Action is taken under authority of 49 U.S.C. 10304-10305 and Section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms to that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 81-27361 Filed 9-18-81; 8:45 am]

BILLING CODE 7035-01-M

#### **49 CFR Part 1033**

[Service Order No. 1495; Amdt. No. 1]

**Burlington Northern Railroad Co. & Fort Worth and Denver Railway Co. Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Amendment No. 1 to Fourth Revised Service Order No. 1495.

**SUMMARY:** Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

**EFFECTIVE DATE:** 11:59 p.m., September 30, 1981, and continuing in effect until 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

**FOR FURTHER INFORMATION CONTACT:** M. F. Clemens, Jr., (202) 275-7840.

**SUPPLEMENTARY INFORMATION:**

Decided: September 15, 1981.

Upon further consideration of Fourth Revised Service Order No. 1495 (46 FR 39147), and good cause appearing therefor:

*It is ordered, § 1033.1495 Fourth Revised Service Order No. 1495 Various Railroads Authorized to use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) is amended by substituting the following paragraph (n) for paragraph (n) thereof:* (n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission. The limited duration of this extension is to permit the Commission time to consider the matter of future extensions as requested by the Trustee.

*Effective date.* This amendment shall become effective at 11:59 p.m., September 30, 1981.

This action is taken under authority of 49 U.S.C. 10304-10305 and Section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 81-27360 Filed 9-18-81; 8:45 am]  
BILLING CODE 7035-01-M

# Proposed Rules

Federal Register

Vol. 46, No. 182

Monday, September 21, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 4

#### Nondiscrimination on Basis of Age in Federally Assisted Commission Programs

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is considering an amendment to its regulations which would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment would make it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages.

**DATES:** Comments must be received on or before November 20, 1981. Comments received after November 20, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

**ADDRESSES:** Written comments or suggestions for consideration in connection with the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Docketing and Service Branch. Copies of documents received may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Mr. Hudson B. Ragan, Office of the Executive Legal Director, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555 (Phone 301-492-8668).

**SUPPLEMENTARY INFORMATION:** Section 6102 of the Age Discrimination Act of 1975, as amended, provides in part that "no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance." The Act directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health, Education and Welfare, now the Secretary of Health and Human Services (HHS). The standards and procedures established by the Secretary of HHS have been published as final general regulations in 45 CFR Part 90, 44 FR 33768 (1979). Differences in language between the proposed rule and the HHS general regulations are for the sake of clarity and are not intended to constitute substantive differences. The HHS general regulations are also referred to as the HHS government-wide regulations.

The proposed amendments would be added to 10 CFR Part 4 as Subpart C. The General Provisions, §§ 4.1 through 4.4, and Appendix A which identifies the NRC programs of financial assistance to which Part 4 applies, would be applicable to Subpart C. Subpart C is devoted exclusively to prohibiting discrimination on the basis of age in programs or activities which receive Federal financial assistance.

Sections 4.2 and 4.3(d) of the General Provisions have been amended to more closely conform to language used in the HHS government-wide regulations defining federal financial assistance. The revised language describes the coverage of Part 4 more specifically.

The Act, as implemented by these regulations, generally covers all programs and activities which receive Federal financial assistance. However, the Act and these regulations do not apply to any age distinction "established under authority of any law" which provides benefits or establishes criteria for participation on the basis of age or in age related terms (§ 4.302(b)). Thus, age distinctions which are "established under authority of any law" may continue in use. By the terms of § 4.302(b) "any law" refers to Federal

statutes, state statutes, or local statutes adopted by elected, general purpose legislative bodies.

The Act also excludes from its coverage most employment practices, except for programs funded under the public service employment titles of the Comprehensive Employment and Training Act (CETA). These regulations do cover any program or activity which is both a program of Federal financial assistance and provides employment such as the College Work Study Program (42 U.S.C. 2751, *et seq.*) and the Work Incentive Program (42 U.S.C. 630, *et seq.*). The Age Discrimination in Employment Act (ADEA) which is administered by the Equal Employment Opportunity Commission (EEOC), continues to be the Federal statute that prohibits employment discrimination for persons between the ages of 40 and 70. Individuals in this age range who experience employment discrimination, other than in CETA public service employment programs, must look to the ADEA for relief, not to the Age Discrimination Act.

#### NRC Assistance Programs

The NRC currently provides assistance in the form of training programs for state personnel. The training is performed pursuant to section 274 of the Atomic Energy Act of 1954, as amended, which provides for state assumption of certain areas of NRC regulatory activity. This Agreement States Program is designed to improve the state employees' technical and administrative skills as well as develop an understanding and ability to apply regulatory concepts and procedures.

In addition to the Agreement States Program, the NRC has recently been entering into assistance relationships (grants and certain types of cooperative agreements) with a variety of eligible recipients for projects related to nuclear safety assessment. The use of these assistance instruments is designed to increase the flexibility available to NRC staff in stimulating research and information exchange in technical areas directly related to their regulatory responsibilities. Paragraph (e) of Appendix A is being revised to include this current program. Reference in paragraph (e) of Appendix A to the Uranium Mill Tailings Radiation Control Act of 1978, section 207, Pub. L. 95-604, 92 Stat. 3003, authorizing grants to

eligible Agreement States to aid in the development of state regulatory programs, is being deleted since the authority for that program is no longer in effect.

#### NRC Interim Procedures

The HHS Age Discrimination Task Force has requested agencies who have not published final regulations to include in the publication of proposed regulations pertinent information regarding interim procedures to be followed in the filing and handling of complaints. Recipients and beneficiaries under all programs receiving Federal financial assistance from the NRC are on notice that complaints may be filed alleging acts of age discrimination occurring on or after July 1, 1979. Complaints concerning recipients and beneficiaries of Federal financial assistance from NRC should be addressed to: Director, Office of Equal Employment Opportunity, Nuclear Regulatory Commission, Washington, D.C. 10555.

NRC will screen all complaints and refer those deemed sufficient under the Act and HHS's general regulations (45 CFR Part 90) to the Federal Mediation and Conciliation Service (FMCS) for mediation. The FMCS began mediating complaints on November 1, 1979.

The Act states that a complainant may file a civil action 180 days from the date the complaint was filed if the agency has taken no action, or upon the date the agency makes a determination in favor of the recipient. For purposes of exhaustion of administrative remedies within NRC, the 180 day period will run from the date the complaint is filed with NRC. In cases where NRC has taken no action on a complaint and 180 days have passed, the complainant has the right to file a civil action in a United States District Court for the district in which the recipient is located or transacts business.

#### Regulatory Flexibility Statement

In accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Pursuant to the provisions of the Age Discrimination Act of 1975, as amended, the proposed rule conditions the granting of Federal financial assistance by the NRC upon the basis that the recipient shall not discriminate because of age in programs sponsored by the NRC. Moreover, since there are no additional data collection or recordkeeping requirements necessary for compliance, the proposed

rule, if implemented, will not result in imposing an economic burden on any recipient, including small entities.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 4 is contemplated.

1. In 10CFR Part 4 the table of contents and citation of authority are revised to read as follows:

#### PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

##### General Provisions

###### Sec.

4.1 Purpose and scope.

4.1a Subparts.

4.2 Application of this part.

4.3 Definitions.

4.4 Communications and reports.

Subpart A—Regulations Implementing Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974

##### Discrimination Prohibited

4.11 General prohibition.

4.12 Specific discriminatory actions prohibited.

4.13 Employment practices.

4.14 Medical emergencies.

##### Assurances Required

4.21 General requirements.

4.22 Continuing State programs.

4.24 Assurances from institutions.

##### Compliance Information

4.31 Cooperation and assistance.

4.32 Compliance reports.

4.33 Access to sources of information.

4.34 Information to beneficiaries and participants.

##### Conduct of Investigations

4.41 Periodic compliance reviews.

4.42 Complaints.

4.43 Investigations.

4.44 Resolution of matters.

4.45 Intimidatory or retaliatory acts prohibited.

##### Means of Effecting Compliance

4.46 Means available.

4.47 Noncompliance with § 4.21.

4.48 Termination of our refusal to grant or to continue Federal financial assistance.

4.49 Other means authorized by law.

##### Opportunity for Hearing

4.51 Notice of Opportunity for hearing.

##### Hearings and Findings

4.61 Presiding officer.

4.62 Right to counsel.

4.63 Procedures, evidence, and record.

4.64 Consolidated or joint hearings.

##### Decisions and Notices

4.71 Initial decision or certification.

4.72 Exceptions and final decision.

4.73 Rulings required.

4.74 Content of orders.

4.75 Post termination proceedings.

##### Judicial Review

4.81 Judicial review.

##### Effect on Other Regulations; Forms and Instructions

4.91 Effect on other regulations.

4.92 Forms and instructions.

4.93 Supervision and coordination.

Subpart B—Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as Amended

4.101 Definitions.

##### Discriminatory Practices

4.121 General prohibitions against discrimination.

4.122 General prohibitions against employment discrimination.

4.123 Reasonable accommodation.

4.124 Employment criteria.

4.125 Preemployment inquiries.

4.126 General requirement concerning program accessibility.

4.127 Existing facilities.

4.128 New construction.

##### Enforcement

4.231 Responsibility of applicants and recipients.

4.232 Notice.

4.233 Enforcement procedures.

Subpart C—Regulations Implementing the Age Discrimination Act of 1975, as Amended

##### General

4.301 Purpose and scope.

4.302 Application of this subpart.

4.303 Definitions.

##### Standards for Determining Age Discrimination

4.311 Rules against age discrimination.

4.312 Definitions of "normal operation" and "statutory objective".

4.313 Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

4.314 Exceptions to the rules against age discrimination. Reasonable factors other than age.

4.315 Burden of proof.

##### Duties of NRC Recipients

4.321 Assurance of compliance.

4.322 Written notice, technical assistance, and educational materials.

4.324 Information requirements.

##### Investigation, Conciliation and Enforcement Procedures

4.331 Compliance reviews.

4.332 Complaints.

4.333 Mediation.

4.334 Investigation.

4.335 Prohibition against intimidation or retaliation.

4.336 Compliance procedure.

- 4.337 Hearings, decisions, post-termination proceedings.
- 4.338 Remedial and affirmative action by recipients.
- 4.339 Alternate funds disbursement procedure.
- 4.340 Exhaustion of administrative remedies.
- 4.341 Reports.

**Appendix—A Federal Financial Assistance to Which This Part Applies.**

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 207, Pub. L. 95-604, 92 Stat. 3033; sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); Subpart A also issued under secs. 602-605, Pub. L. 88-352, 78 Stat. 252, 253 (42 U.S.C. 2000d-1-2000d-4) and sec. 401, Pub. L. 93-438, 88 Stat. 1254 (42 U.S.C. 5891); Subpart B also issued under sec. 504, Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706); sec. 119, Pub. L. 95-602, 92 Stat. 2982 (29 U.S.C. 794); and sec. 122, Pub. L. 95-602, 92 Stat. 2984 (29 U.S.C. 706 (6)); Subpart C also issued under Title III of Pub. L. 94-135, 89 Stat. 728, as amended (42 U.S.C. 6101).

2. Sections 4.1, 4.1a, 4.2 and 4.3(d) are revised to read as follows:

**General Provisions**

**§ 4.1 Purpose and scope.**

The regulations in this part implement: (a) the provisions of Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, and Title IV of the Energy Reorganization Act of 1974, Pub. L. 93-438, which relate to nondiscrimination with respect to race, color, national origin or sex in any program or activity receiving Federal financial assistance from NRC; (b) the provisions of section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93-112, Pub. L. 95-602, which relates to nondiscrimination with respect to the handicapped in any program or activity receiving Federal financial assistance; and (c) the provisions of the Age Discrimination Act of 1975, as amended Pub. L. 94-135, Pub. L. 95-478, which relate to nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

**§ 4.1a Subparts.**

Subpart A sets forth rules applicable to Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974. (The Acts are collectively referred to in Subpart A as the "Act".) Subpart B sets forth rules applicable specifically to matters pertaining to section 504 of the Rehabilitation Act of 1973, as amended. Subpart C sets forth rules pertaining to the provisions of the Age Discrimination Act of 1975 as amended, Pub. L. 94-135, Pub. L. 95-478, which relate to nondiscrimination on the basis of age in

any program or activity receiving Federal financial assistance.

**§ 4.2 Application of this part.**

This part applies to any program for which Federal financial assistance is authorized under a law administered by NRC. The programs to which this part applies are listed in Appendix A of this part; Appendix A may be revised from time to time by notice published in the Federal Register. This part applies to money paid, property transferred, or other Federal assistance extended under any program or activity, by way of grant, entitlement, cooperative agreement, loan, or contract or other agreement by NRC, or an authorized contractor or subcontractor of NRC, the terms of which require compliance with this part. If any statutes implemented by this part are otherwise applicable, the failure to list a program in Appendix A does not mean the program is not covered by this part. This part does not apply to:

- (a) Contracts of insurance or guaranty; or
- (b) Procurement contracts; or
- (c) Employment practices under any program or activity except as provided in §§ 4.13, 4.122 and 4.302.

**§ 4.3 Definitions.**

\* \* \* \* \*

(d) "Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which NRC provides or otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of Federal personnel or other personnel at Federal expense; or
- (3) Real and personal property or any interest in or use of property, including—
  - (i) Transfers or leases of property for less than fair market value or for reduced consideration;
  - (ii) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal Government; and the
  - (iii) Sale and lease of, and the permission to use (other than on casual or transient basis) Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.

\* \* \* \* \*

**Appendix A [Relocated]**

3. Appendix A, which follows § 4.233, is relocated to follow § 4.341.

4. Immediately following § 4.233, a new subpart C is added to read as follows:

**Subpart C—Regulations Implementing the Age Discrimination Act of 1975, as amended.**

**General**

**§ 4.301 Purpose and scope.**

The purpose of this subpart is to set forth NRC policies and procedures under the Age Discrimination Act of 1975 which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

**§ 4.302 Application of this subpart.**

(a) The Age Discrimination Act of 1975 and these regulations apply to any program or activity receiving Federal financial assistance from NRC.

(b) The Age Discrimination Act of 1975 and these regulations do not apply to:

(1) An age distinction contained in that part of a Federal, state or local statute or ordinance adopted by an elected, general purpose legislative body which:

- (i) Provides any benefits or assistance to persons based on age; or
- (ii) Establishes criteria for participation in age-related terms; or
- (iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA) (29 U.S.C. 801 *et seq.*).

**§ 4.303 Definitions.**

As used in this subpart:

(a) "Act" means the Age Discrimination Act of 1975, as amended, (Title III of Pub. L. 94-135).

(b) "Action" means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

(c) "Age" means how old a person is, or the number of elapsed years from the date of a person's birth.

(d) "Age distinction" means any action using age or an age-related term.

(e) "Age-related term" means a word or words which necessarily imply a particular age or range of ages (for

example, "children," "adult," "older persons," but not "student").

(f) "Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on Federal financial assistance. A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

#### Standards for Determining Age Discrimination

##### § 4.311 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in §§ 4.313 and 4.314 of this subpart.

(a) *General rule:* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b) *Specific rules:* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance, or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

##### § 4.312 Definitions of "normal operation" and "statutory objective".

For purposes of §§ 4.313 and 4.314, the terms "normal operation" and "statutory objective" have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, state statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

##### § 4.313 Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited by § 4.311, if the action reasonably takes into account age as a factor necessary to the

normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation of one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program of activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

##### § 4.314 Exceptions to the rules against age discrimination. Reasonable factors other than age.

A recipient is permitted to take an action otherwise prohibited by § 4.311 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

##### § 4.315 Burden of proof.

The burden of proving that an age distinction or other action falls within the exceptions outlined in §§ 4.313 and 4.314 is on the recipient of Federal financial assistance.

#### Duties of NRC Recipients

##### § 4.321 Assurance of compliance.

Each NRC recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act and these regulations. Each recipient will sign an assurance of compliance that its programs and activities will be conducted in compliance with all the requirements imposed by the Act and these regulations. A recipient also has responsibility to maintain records, provide information, and to afford access to its records to NRC, to the extent required to determine whether it is in compliance with the Act and these regulations.

##### § 4.322 Written notice, technical assistance, and educational materials.

(a) NRC will provide written notice to each recipient of its obligations under the Act and these regulations, including

its obligation under paragraph (b) of this section.

(b) Where a recipient makes available Federal financial assistance from NRC to a subrecipient, the recipient shall provide the subrecipient written notice of the subrecipient's obligations under the Act and these regulations.

(c) NRC will provide technical assistance, where necessary, to recipients to aid them in complying with the Act and these regulations.

(d) NRC will make available educational materials which set forth the rights and obligations of recipients and beneficiaries under the Act and these regulations.

##### § 4.324 Information requirements.

Each recipient shall:

(a) Make available upon request to NRC information necessary to determine whether the recipient is complying with the Act and these regulations.

(b) Permit reasonable access by NRC to the recipient's books, records, accounts, facilities and other sources of information to the extent necessary to determine whether the recipient is in compliance with the Act and these regulations.

#### Investigation, Conciliation, and Enforcement Procedures

##### § 4.331 Compliance reviews.

(a) NRC may conduct compliance reviews and preaward reviews of recipients or use other similar procedures that will permit it to investigate and correct violations of the Act and these regulations. NRC may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or preaward review indicates a violation of the Act or these regulations, NRC will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, NRC will arrange for enforcement as described in § 4.336.

##### § 4.332 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with NRC, alleging discrimination prohibited by the Act or these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However,

for good cause shown, NRC may extend this time limit.

(b) NRC will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting a complaint as sufficient for further processing which: (i) is made in writing; (ii) alleges a violation of the Act; (iii) identifies the parties involved and the date the complainant first had knowledge of the alleged violation; (iv) describes generally the action or practice complained of; and (v) is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Notifying the complainant and the recipient of their rights and obligations under the complaint procedure, including the right to have a representative at all stages of the complaint procedures.

(4) Notifying the complainant and the recipient (or their representatives) of their right to contact NRC for information and assistance regarding the complaint resolution process.

(c) Each recipient and complainant shall participate actively in efforts toward speedy resolution of the complaint.

(d) NRC will return to the complainant any complaint outside the jurisdiction of these regulations, and will state the reason(s) why it is outside the jurisdiction of these regulations.

#### § 4.333 Mediation.

(a) *Referral of complaints for mediation.* NRC will refer to a mediation agency designated by the Secretary of the Department of Health and Human Services all complaints that:

(1) Fall within the jurisdiction of the Act and these regulations; and  
(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator before NRC will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to NRC. NRC will take no further action on the complaint unless

the complainant or recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the agency appointing the mediator.

(e) NRC will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time NRC receives the complaint; or

(2) Prior to the end of that 60 day period, the mediator determines an agreement is reached; or

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to NRC.

#### § 4.334 Investigation.

(a) *Informal investigation.*

(1) NRC will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, NRC will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable to the parties. NRC may seek the assistance of any involved State program agency.

(3) NRC will put any agreement in writing and have it signed by the parties and an authorized official at NRC.

(4) The settlement shall not affect the operation of any other enforcement effort of NRC, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) Settlement of a complaint under this section will not constitute a finding of discrimination by the NRC against a recipient or an admission of discrimination by the recipient.

(b) *Formal investigation.* If NRC cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, NRC will attempt to obtain voluntary compliance. If NRC cannot obtain voluntary compliance, it will begin enforcement as described in § 4.336.

#### § 4.335 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by the Act or these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of NRC's investigation, conciliation, and enforcement process.

#### § 4.336 Compliance procedure.

(a) NRC may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from NRC under the program or activity involved where the recipient has violated the Act or these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation, or prior to a hearing, will not involve termination of a recipient's Federal financial assistance from NRC.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations.

(ii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) NRC will limit any termination under § 4.336(a)(1) to the particular recipient and particular program or activity NRC finds in violation of the Act or these regulations. NRC will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from NRC.

(c) NRC will take no action under paragraph (a) until:

(1) The Commission, or designee, has advised the recipient of its failure to comply with the Act or these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Commission, or designee, has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. A report will be filed whenever any action is taken under paragraph (a) of this section.

(d) NRC also may defer granting new Federal financial assistance to a recipient when termination proceedings under § 4.336(a)(1) are initiated.

(1) New Federal financial assistance includes all assistance for which NRC requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of termination proceedings under § 4.336(a)(1).

(2) NRC will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under § 4.336(a)(1). NRC will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and NRC. NRC will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

#### § 4.337 Hearings, decisions, post-termination proceedings.

Certain NRC procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to NRC enforcement of these regulations. They are §§ 4.61 through 4.64 and §§ 4.71 through 4.75.

#### § 4.338 Remedial and affirmative action by recipients.

(a) Where NRC finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that NRC may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, NRC may require both recipients to take remedial action.

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

(c) If a recipient operating a program which serves the elderly or children in addition to persons of other ages provides special benefits to the elderly or to children the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

#### § 4.339 Alternate funds disbursement procedure.

(a) When NRC withholds funds from a recipient under these regulations, the

Commission, or designee, may disburse the withheld funds directly to an alternate recipient: any public or nonprofit private organization or agency, or state or political subdivision of the state.

(b) Any alternative recipient will be required to demonstrate: (1) The ability to comply with these regulations; and (2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

#### § 4.340 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and NRC has made no finding with regard to the complaint; or

(2) NRC issues any finding in favor of the recipient.

(b) If NRC fails to make a finding within 180 days or issues a finding in favor of the recipient, NRC will:

(1) Promptly advise the complainant; and

(2) Advise the complainant of his or her right to bring a civil action under Section 305(e) of the Act for injunctive relief that will effect the purposes of the Act; and

(3) Inform the complainant:

(i) that the complainant may bring a civil action only in a United States district court for the district in which the recipient is found or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days' notice by registered mail to the Commission, the Secretary of the Department of Health and Human Services, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

#### § 4.341 Reports.

The NRC shall submit to the Secretary of Health and Human Services not later than December 31 of each year, a report which:

(a) Describes in detail the steps taken during the preceding fiscal year to carry out the Act; and

(b) Contains data on the frequency, type, and resolution of complaints and on any compliance reviews, sufficient to permit analysis of the agency's progress in reducing age discrimination in programs receiving Federal financial assistance from NRC; and

(c) Contains data directly relevant to the extent of any pattern or practice of age discrimination which NRC has identified in any programs receiving Federal financial assistance from NRC and to progress toward eliminating it; and

(d) Contains evaluative or interpretative information which NRC determines is useful in analyzing agency progress in reducing age discrimination in programs receiving Federal financial assistance from NRC; and

(e) Contains whatever other data the Secretary of HHS may require.

5. Paragraph (e) of Appendix A is revised to read as follows:

Appendix A—Federal Financial Assistance to which this Part Applies

\* \* \* \* \*

(e) Research Support. Agreements for the financial support of basic and applied scientific research and for the exchange of scientific information.

Dated at Washington, D.C., this 15th day of September 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,  
Secretary of the Commission.

[FR Doc. 81-27440 Filed 9-10-81; 8:45 am]  
BILLING CODE 7530-01-M

#### 10 CFR Part 50

#### Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Nuclear Regulatory Commission is proposing to amend its regulations to extend the date by which prompt public notification systems must be operational around all nuclear power plants. The proposed extension is based on industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. If adopted the proposal would extend the compliance date for

these systems from July 1, 1981 to no later than February 1, 1982.

**DATES:** Comment period expires October 21, 1981. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

**ADDRESSES:** Interested persons are invited to submit written comments and suggestions on the proposal to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Brian K. Grimes, Director, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-492-4614).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. The Proposed Rule**

On August 19, 1980, the Nuclear Regulatory Commission published in the Federal Register (45 FR 55402) amendments to its regulations (10 CFR Part 50 and Appendix E) concerning the upgrading of emergency preparedness. The effective date of these regulations was November 3, 1980. Among other things, the regulations required licensees to submit upgraded emergency plans by January 2, 1981, submit implementing procedures by March 1, 1981, and implement the emergency plans by April 1, 1981.

One element that must be demonstrated in an acceptable licensee's emergency plan is that:

By July 1, 1981, the nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes.

The NRC staff has evaluated the level of compliance by the industry and noted that only about 12% of NRC power reactor licensees have been able to meet fully the July 1, 1981 date for installation of a prompt public notification system which meets the criteria in 10 CFR 50.47, 50.54, and Appendix E to Part 50. The licensees inability to meet the July 1, 1981 date has been attributed to the unforeseen difficulties and uncertainties surrounding the designing, procuring,

and installing of the prompt notification systems. In establishing the implementation date, the Commission was concerned that these factors would inhibit the ability to comply with a short schedule and set the July 1981 date with this in mind (45 FR 55407).

While licensees' compliance with the prompt notification requirement has been delayed, the NRC considers that emergency plans and preparedness have significantly improved within the last year at and around every nuclear power plant site. This insignificant improvement has been confirmed by NRC teams who have visited a number of plant sites to evaluate the licensees' compliance with the upgraded emergency planning regulations of August 1980. In addition, the Federal Emergency Management Agency (FEMA) and the NRC have monitored numerous nuclear emergency exercises involving State and local governments and the licensees, and again have witnessed a significant improvement on onsite and offsite emergency preparedness.

Based on the above information and on a recognition that there exist customary warning systems (police, radio, telephone), which are viewed as sufficiently effective in many postulated accident scenarios, the Commission is proposing to defer the implementation date of the prompt public notification capability requirement from July 1, 1981 to February 1, 1982. In view of the above, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency during the extended time period for compliance.

The Commission's decision to defer the date for requiring full implementation of the prompt public notification capability requirement was made, as described above, after additional consideration of industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. This proposed deferral does not represent any fundamental departure from the rationale the Commission used in adopting and sustaining the public notification capability requirement. See Final Rule on Emergency Planning, 45 FR 55402, 55407 (Aug. 19, 1980), *reconsideration denied*, CLI-80-40, 12 NRC 636 (1980). It is the Commission's continued judgment that prompt public notification is an important consideration in the offsite protection of the public in the event of a nuclear accident. Thus offsite protection

of the public includes a number of separate steps—recognition of the potential severity of the accident by the utility, communication of the perceived threat to offsite authorities, decision by offsite officials on the need for protective action, capability to spread public warning, and actual response by the public. The emergency planning rule is premised on reducing to the extent possible—and to the extent the NRC can regulate—the time required for and the uncertainty associated with each step. Every aspect of the rule, including the prompt notification system, is still required. In changing the implementation date of the prompt public notification capability requirement, the Commission recognizes the continued need for this requirement and expects all utilities to complete the installation of this system as soon as practicable but not later than February 1, 1982. However, the Commission intends to take appropriate enforcement action against licensees who did not, prior to July 1, 1981, notify the Commission of their inability to meet the July 1, 1981 deadline.

Significant licensee performance strengths and weaknesses are evaluated in the NRC Systematic Assessment of Licensee Performance (SALP). The SALP program specifically includes evaluation of licensee performance in emergency preparedness. Accordingly, a licensee's efforts in attempting to meet the July 1, 1981 date for installing the prompt public notification capability will be a factor in that licensee's SALP.

##### **II. Proposed Application of the Final Rule**

The Commission also is proposing in this rule that the four-month period for correcting deficiencies, provided in § 50.54(s)(2), should not apply to any licensee not in compliance with the public notification system requirement by February 1, 1982, the new deadline date. If a licensee is not in compliance with this requirement by February 1, 1982, the Commission will consider taking appropriate enforcement actions promptly at that time. In determining appropriate enforcement action to initiate, the Commission will take into account, among other factors, the demonstrated diligence of the licensee in attempting to fulfill the prompt public notification capability requirement. The Commission will consider whether the licensee has kept the NRC informed of the steps that it has taken, when those steps were taken and any significant problems encountered, and the updated timetable which the licensee expects will be met in achieving full compliance

with the prompt public notification capability requirements.

With respect to requests for exemptions that NRC has received from nuclear power reactor licensees concerning the prompt public notification requirement and deadlines for installation and operational capability, the Commission has decided to deny these requests in light of the proposed extension of the July 1, 1981 date. Any licensee not able to meet the new deadline date of February 1, 1982 will be subject to enforcement penalties after the new date. This provision will eliminate unnecessary and costly administrative actions needed to consider present exemption requests that will essentially become moot by the proposed extension of the July 1, 1981 date. This approach will also permit the NRC to focus its consideration upon a reduced number of noncompliance situations which remain at the time of the new deadline. It is expected that the most efficient use of NRC resources will be achieved by this treatment of present exemption requests relating to the July 1, 1981 operational date requirement.

If the proposed rule is subsequently promulgated as a final rule, it is the Commission's present intention to make it effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(1), since the rule is expected to relieve the obligation of certain licensees with respect to the present July 1, 1981 deadline for operational public notification systems. In that regard, the Commission notes that the final rule, when effective, will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. *Union of Concerned Scientists v. AEC*, 499 F. 2d 1069 (D.C. Cir. 1974).

#### Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission concludes that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule concerns an extension of the operational date for public notification systems for nuclear power plants licensed pursuant to Sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. In addition, since the amendment

extends for one year the date by which the public notification systems are to be operational, the businesses and state and local governments involved in the manufacture and installation of these systems are not economically affected in any significant manner. Accordingly, there is no significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

#### Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a determination that this proposed rule does not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50, Appendix E is contemplated.

#### PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 162, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2123, 2201, 2232, 2233, 2239); secs. 201, 202, 208, 88 Stat. 1243, 1244, 1246, (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.78-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 1611, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 1010, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

1. Section IV.D.3 of Appendix E to Part 50 is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

#### D Notification Procedures

3. A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency. The licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been

established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The four-month period in 10 CFR 50.54(s)(2) for the correction of emergency plan deficiencies shall not apply to deficiencies in the initial installation of this public notification system that is required by February 1, 1982. The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system. Where there is a decision to activate the notification system, the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated or staged manner. The responsibility for activating such a public notification system shall remain with the appropriate government authorities.

Dated at Washington, D.C., this 16th day of September 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-27523 Filed 9-18-81; 8:45 am]

BILLING CODE 7550-01-M

#### DEPARTMENT OF ENERGY

#### Office of Conservation and Renewable Energy

#### 10 CFR Part 486

#### Federal Price Support Program for Municipal Waste Reprocessing Demonstration Facilities

AGENCY: Department of Energy.

ACTION: Withdrawal of Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Department of Energy today gives notice of the removal of the advance notice of proposed rulemaking (44 FR 52642) which was published on September 7, 1979, expressing its intention to develop rules establishing a Federal price support program for revenue producing products of municipal waste reprocessing demonstration facilities. The advance notice was issued under Section 20 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. DOE is withdrawing the

advance notice because it believes that Federally-funded commercial demonstrations of municipal waste reprocessing technologies are inappropriate.

**EFFECTIVE DATE:** October 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Donald K. Walter, Supervisory Engineer, Office of Conservation and Renewable Energy, Department of Energy, Room GE-216, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-1697  
Neal J. Strauss, Carol A. Cowgill, Office of General Counsel, Department of Energy, Room 6B-158, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9513.

**SUPPLEMENTARY INFORMATION:** Section 20(b)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, 42 U.S.C. 5920(b)(1) (the Act) authorizes the Secretary of Energy to provide financial assistance to selected municipalities in the form of price supports for revenue producing products of municipal waste reprocessing demonstration facilities. On September 7, 1979, the Department of Energy (DOE) published an advance notice of proposed rulemaking in order to obtain public comment on DOE's tentative decision to establish a price support program for demonstration facilities and to invite public participation in development of proposed rules (44 FR 52642). After considering the 30 comments submitted in response to the advance notice and available information concerning the market for products reprocessed from municipal waste, DOE, in accordance with the President's Program for Economic Recovery, has decided that a Federal price support program for municipal waste reprocessing demonstration facilities would be inappropriate. DOE is of the view that market conditions brought about by realistic energy pricing policies will provide the necessary incentives for private financing of municipal waste reprocessing facilities when they are economically justifiable.

Accordingly, DOE is withdrawing the advance notice.

Issued in Washington, D.C., September 9, 1981.

Joseph J. Tribble,  
*Assistant Secretary, Conservation and Renewable Energy.*

[FR Doc. 81-27223 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-Q1-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 81-GL-8-AD]

**Airworthiness Directives; Wood Electric Corp. Series 107, 108, and 2100 Circuit Breakers Installed in, but Not Limited to, Boeing Model 707/720/727/737 Series Aircraft**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Extension of time for comments on NPRM.

**SUMMARY:** A Notice of Proposed Rule Making (NPRM) was published in the Federal Register (46 FR 40031) on August 6, 1981, proposing an amendment which would require the testing and replacement, as necessary, of all Wood Electric Corporation, Series 107, 108 and 2100 circuit breakers. Comments on the NPRM were to be received by the FAA on or before August 15, 1981.

A request has been made by an industry association to extend the comment period to October 15, 1981. The FAA concurs with this request, and accordingly, the comment period is being extended.

**DATES:** The new deadline for comments is extended to October 30, 1981.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Great Lakes Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-GL-8-AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles L. Smalley, Systems and Equipment Section, AGL-213, Engineering and Manufacturing Branch, FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7126.

#### Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Great Lakes Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-GL-8-AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

#### Extension of Comment Period

Accordingly, the deadline for comments on the NPRM in Docket No. 81-GL-8-AD (46 FR 40031) is hereby extended to October 30, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), 14 CFR 11.89)

**Note.**—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This is due primarily to the fact that the suspect circuit breakers are randomly distributed throughout the general aviation and air carrier fleets and the possibility of one aircraft having nothing but these type breakers is considered extremely remote. The unit cost of this piece of equipment is approximately \$15. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Des Plaines, Ill., on August 27, 1981.

Kenneth C. Patterson,

*Acting Director, Great Lakes Region.*

[FR Doc. 81-27308 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 81-ACE-12]

**Control Zone—Cape Girardeau, Missouri; Proposed Alteration**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This notice proposes to alter the Cape Girardeau, Missouri, Municipal Airport Control Zone to include a new VOR instrument approach procedure and cancel a portion of the extension on the 036° radial.

**DATES:** Comments must be received on or before Oct. 24, 1981.

**ADDRESSES:** Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Richard L. Haskins, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 24, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

**Availability of NPRM**

Any person may obtain a copy of the NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) by altering the control zone at Cape Girardeau, Missouri. To enhance airport usage, a new VOR instrument approach is being developed for the Cape Girardeau, Missouri, Municipal Airport. Action is also being taken to alter the control zone by canceling the extension on the 036° radial from the 5-mile radius to the 6½-mile radius. Control zones are designed to contain IFR operations in controlled airspace to the surface around airports within a specified radius and along the final approach course of the IAP. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft

operating under Visual Flight Rules (VFR).

**The Proposed Amendment**

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, Section 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 2, 1981 (46 FR 455), by altering the following control zone:

**Cape Girardeau, Missouri**

Within a 5-mile radius of Cape Girardeau, Missouri, Municipal Airport (Latitude 37°13'30" N, Longitude 89°34'10" W) within 2½ miles each side of the Cape Girardeau VOR 194° and 279° radials extending from the 5-mile radius to 6½ miles south and west of the VOR and within 3 miles each side of the Cape Girardeau VOR 044°, extending from the 5-mile radius to a point 8½ miles northeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on September 4, 1981.

John E. Shaw,  
*Acting Director, Central Region.*

[FR Doc. 81-27335 Filed 9-18-81; 8:45 am]  
BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 81-ACE-11]

**Transition Area—Cresco, Iowa;  
Proposed Designation**

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Notice of proposed rulemaking. (NPRM).

**SUMMARY:** This notice proposed to designate a 700-foot transition area at Cresco, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Ellen Church Airport, Cresco, Iowa, utilizing the Cresco Non-Directional Radio Beacon (NDB) as a navigational aid. This proposed action will change the airport status from VFR to IFR.

**DATES:** Comments must be received on or before October 24, 1981.

**ADDRESSES:** Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 24, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

**Availability of NPRM**

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures, and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

## The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Cresco, Iowa. To enhance airport usage, a new instrument approach procedure is being developed for the Ellen Church Airport, Cresco, Iowa, utilizing the Cresco NDB as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Cresco, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

## The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by adding the following new transition area:

### Cresco, Iowa

The airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of the Ellen Church Airport, Cresco, Iowa (latitude 43°22'08" N, longitude 92°08'12" W), and 3 miles either side of the 135° bearing from the Cresco NDB from the 5-mile radius to 8.5 miles..

Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

**Note.**—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on September 4, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-27388 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

## CIVIL AERONAUTICS BOARD

### 14 CFR Parts 293, 298, and 323

[Economic Regulations EDR-431;  
Procedural Regulations PDR-76; Docket:  
39990]

### Air Taxis; Operations in Alaska, Classification and Exemption and Terminations, Suspensions, and Reductions of Service

Dated: September 3, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The CAB proposes to eliminate the current filing requirements governing air services performed by an air taxi on an Alaskan bush route under a subcontract agreement with a certificated carrier. They would be replaced with a requirement that the certificated carrier file a notice when it intends to subcontract with a different air taxi or when the incumbent air taxi intends to terminate or reduce its service on the route.

**DATES:** Comments by: November 20, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: October 1, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

**ADDRESSES:** Twenty copies of comments should be sent to Docket 39990, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

**FOR FURTHER INFORMATION CONTACT:** David E. Schaffer, Attorney-Advisor, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

**SUPPLEMENTARY INFORMATION:** Air service to small communities in Alaska (known as bush points) is often provided by small air taxis under an

arrangement (subcontract agreement) with a larger certificated carrier that is authorized to serve that point. These subcontract agreements are governed by 14 CFR Part 293. Part 293 was adopted to make these subcontract agreements subject to prior Board approval and to establish guidelines to be followed by the Board in deciding whether to approve them. It also established reporting requirements.

The authority for Part 293 is section 412 of the Federal Aviation Act. In 1976, when Part 293 was adopted, section 412 required every air carrier to file a copy of every agreement affecting air transportation that it entered into with another carrier. Under section 412, the filing of Alaskan subcontract agreements was mandatory in any event. Section 28 of the Airline Deregulation Act of 1978 (Pub. L. 95-504) amended section 412 to eliminate this requirement making the filing of these agreements discretionary.

Although Alaskan air carriers are no longer required by statute to file their subcontract agreements with the Board, we have considered making their submission a regulatory obligation. This could be done under section 407 of the Act. Section 407 authorizes the Board to require any air carrier to file with it a copy of any agreement between that air carrier and any other carrier that relates to any traffic affected by the provisions of the Federal Aviation Act. After reviewing the information acquired by the submission of the subcontract agreements, however, we have tentatively concluded that most of it is either not useful to us or is available from other sources. We therefore propose to revoke Part 293.

The reports submitted under Part 293 include summary statistical data for the routes involved, including data on departures, passenger enplanements and pounds of mail and cargo carried at each community receiving subcontract service. The data are filed quarterly. They also include a list of aircraft operated, with the passenger and cargo capacity of each.

In place of this requirement, we have tentatively decided to make these subcontract carriers subject to 14 CFR 298.61. Under this section, air taxis providing subcontract service to eligible points in Alaska will have to file the revenue and traffic data now provided by other commuters on CAB Form 298-C.

The other information we still need is that relevant to our Small Community Air Service Program. The Small Community program was established by section 33 of the Airline Deregulation

Act (section 419 of the Federal Aviation Act). Its purpose is to ensure that small communities that are eligible points receive at least essential air transportation even if an air carrier must be paid a subsidy to provide it. Eligible points are communities that were listed on an airline's section 401 certificate on October 24, 1978 (the day the Deregulation Act was signed into law) and communities that were deleted from an airline's certificate between 1968 and 1978 that the Board designates as eligible. Any other point in Alaska may apply for designation as an eligible point after January 1, 1982. Under the Small Community program, the Board must set essential air service levels for each eligible point and ensure that the carrier providing the essential service is "fit, willing, and able." (Section 419(c)).

To aid in implementation of the Small Community program, sections 401(j) and 419 of the Act and Part 323 of the Board's rules require carriers to give notice before terminating, suspending, or reducing service at an eligible point. If a certificated carrier wishes to reduce service to an eligible point below the essential level, it must file a 90-day notice. Air taxis usually must file a 30-day notice. These notices aid the Board in monitoring air service levels at eligible points. The notice also provides an opportunity for the community and the Board to find a new carrier to serve the point. If the new carrier has not yet been found fit, willing, and able to conduct passenger service, the Board investigates that carrier and makes a finding as to its fitness.

In the lower 48 states, some certificated carriers have a network of air taxi operators affiliated with them. An example is USAir and its Allegheny Commuters. These commuters serve eligible points that the larger certificated carrier once served, but for which it filed a termination notice because it could no longer serve them profitably. The certificated carrier may lend its name to the commuter and perform services, such as ticketing and ground handling, for the smaller carrier. The obligation to provide the air service, however, now rests with the commuter. The commuter, not the certificated carrier, must file a notice under Part 323 if it wishes to terminate its service at the eligible point or reduce it below the essential level.

This differs from the situation that is common in Alaska. There the certificated carrier has not filed a termination notice but retains its obligation to serve the bush point. It has contracted with an air taxi, however, to fulfill that obligation. The responsibility

for filing a notice when the air taxi wishes to terminate or reduce its service is unclear, and frequently the certificated carrier has changed subcontractors without either it, or the incumbent air taxi, notifying the Board that the incumbent is terminating service. This is contrary to the Act and Board rules. It hinders us in fulfilling our responsibility to monitor essential air service levels at Alaskan eligible points and to ensure that the air taxi providing that service is fit, willing, and able to do so.

Therefore, in conjunction with the revocation of Part 293, we are proposing to add new provisions to Part 323 to govern terminations and reductions of service by subcontract carriers at bush points in Alaska. This notice requirement would apply only if the bush point involved was an eligible point. Since the certificated carrier has the obligation to provide the service, it and not the air taxi would be responsible for filing the notice. This would be required even if the certificated carrier had already arranged with another air taxi to take over service to the point. This requirement would enable us to monitor essential air service levels at Alaskan bush points and ensure that the air taxi that the certificated carrier subcontracts with is fit, willing, and able. The notice would have to be filed 30 days before the air taxi planned to terminate its service. In the alternative, we are considering a 90-day notice requirement.

Currently, § 293.5 grants an exemption from section 408(a)(5) of the Act to Alaskan air carriers to implement their subcontract agreements. Although we are proposing to revoke Part 293, we propose to continue this exemption. It would be added to § 298.11(g) of 14 CFR Part 298.

The Regulatory Flexibility Act, Pub. L. 96-354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." This rule will not have a significant economic impact on air taxis because it makes clear that the obligation to provide the service and file the notice rests ultimately with the certificated carrier. The rule, however, may have a significant economic impact on small communities in Alaska that are now or will be designated eligible points (more than 200). They should benefit from the clarification of the carrier's reporting obligation, the Board's

improved capability to monitor air service there, and the added assurance that the carrier providing that service is fit, willing, and able.

The need, objectives, and legal basis for this rule are described above. Possible alternatives to this rule would be placing the burden for filing the notice on the small air taxis or exempting all carriers from the requirement of filing notices when terminating or reducing service on Alaskan bush routes.

This rule would impose no greater reporting requirements on the air taxis in Alaska than exist for other air carriers in the lower 48 of similar size. It would not duplicate, overlap, or conflict with other Federal rules.

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR, as follows:

#### **PART 293—OPERATIONS BY AIR TAXI IN ALASKAN BUSH ROUTES PURSUANT TO SUBCONTRACT AGREEMENTS WITH CERTIFICATED AIR CARRIERS [REMOVED]**

1. Part 293, *Operations by Air Taxis in Alaskan Bush Routes Pursuant to Subcontract Agreements with Certificated Air Carriers*, would be removed and reserved.

#### **PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS**

2. In Part 298, *Classification and Exemption of Air Taxi Operators*, paragraph (g) of § 298.11 would be revised to read:

§ 298.11 Exemption authority.

\* \* \* \* \*

(g) Subsection 408(a), except that no exemption is granted for any air taxi operator to enter into any of the transactions or relationships prohibited by subsection 408(a) with any person who operates large aircraft for compensation or hire, or who engages in air transportation from which the air taxi operator is excluded by the limitations imposed by this part. This exemption does, however, apply to subcontract agreements involving the operation of air services by an air taxi operator over Alaskan bush routes of a certificated air carrier and extends to the certificated carrier, the air taxi, and persons controlling either of those carriers.

\* \* \* \* \*

3. Also in Part 298, paragraph (a) of § 298.61 would be revised to read:

**§ 298.61 Reporting of scheduled operations by commuter air carriers.**

(a) All commuter air carriers, and any other air taxi that provides air service to an eligible point in Alaska under a subcontract agreement with a certificated air carrier, shall file CAB Form 298-C "Report of Scheduled Operations of Commuter Air Carriers" as prescribed in this section. CAB Form 298-C may be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

\* \* \* \* \*

**PART 323—TERMINATIONS, SUSPENSIONS, AND REDUCTIONS OF SERVICE.**

4. In Part 323, *Terminations, Suspensions, and Reductions of Service*, new paragraphs (d) and (e) would be added to § 323.3 and current paragraphs (d), (e), and (f) in that section would be redesignated (f), (g) and (h), so that it would read:

**§ 323.3 Who shall file notices.**

\* \* \* \* \*

(d) *Certificated carriers with subcontract carriers in Alaska.* The notice described in § 323.4(c) shall be filed by any certificated air carrier in Alaska when an air taxi serving an eligible point under a subcontract agreement with that certificated carrier intends to—

(1) Terminate, suspend, or reduce air transportation so that that point receives less than the level of essential air transportation determined by the Board; or

(2) Terminate, suspend, or reduce air transportation at a point for which the Board has not determined the level of essential air transportation, so that the service between that point and every other point served by a certificated carrier is either—

(i) Less than two round trip flights per week;

(ii) Less than the average number of weekly round trip flights actually provided during calendar year 1976; or

(iii) Less than the number of flights specified under an agreement between the Board and the State of Alaska.

(e) Certificated carriers subject to paragraph (d) of this section shall comply with the requirements of that paragraph even if they intend to subcontract with another air carrier to provide the essential air transportation at the eligible point concerned.

\* \* \* \* \*

5. In § 323.4, current paragraph (c) would be redesignated paragraph (d) and a new paragraph (c) would be added to read:

**§ 323.4 Contents of notices.**

\* \* \* \* \*

(c) The notice required by § 323.3(d) shall contain the following information:

(1) Identification of the certificated carrier, including address and telephone number;

(2) Identification of the incumbent air taxi, including address and telephone number;

(3) The information required by paragraphs (a)(3) through (a)(7) of this section;

(4) When the certificated carrier intends to subcontract with a new air taxi to provide the essential service and that air taxi has already been found fit, willing, and able, the most recent Board order establishing that finding; and

(5) When the certificated carrier intends to subcontract with a new air taxi to provide the essential service and that air taxi has not been found by the Board to be fit, willing, and able, material required by Part 204 of this chapter to support such a finding. In making this showing, the carrier may incorporate by reference material submitted in a prior Board proceeding;

\* \* \* \* \*

6. In § 323.5, a new paragraph (c) would be added, to read:

**§ 323.5 Time for filing notices.**

\* \* \* \* \*

(c) A notice required by § 323.3(d) shall be filed at least 30 days before the intended termination, suspension, or reduction in service.

7. In § 323.7, paragraph (a) would be revised to read:

**§ 323.7 Service of notices.**

(a) A copy of each notice required by § 323.3(a), (c), or (d) shall be served upon:

\* \* \* \* \*

(Secs. 204, 401, 407, 411, 412, and 419, P.L. 85-726, as amended, 72 Stat. 743, 754, 766, 769, 770, 92 Stat. 1732; 49 U.S.C. 1324, 1371, 1377, 1381, 1382, 1389)

By the Civil Aeronautics Board.  
Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-27441 Filed 9-18-81; 8:45 am]  
BILLING CODE 6320-01-M

**DEPARTMENT OF THE TREASURY**

**Customs Service**

**19 CFR Part 148**

**Personal Declarations and Exemptions; Proposed Amendments to the Customs Regulations Relating to Registration of Foreign-Made Tourist Articles To Be Taken Abroad**

**AGENCY:** Customs Service, Treasury.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the Customs Regulations to reflect Customs guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by United States travelers. Registration would be limited to those articles having serial numbers, or distinctive, permanently affixed markings uniquely distinguishing those articles from similar ones when they are returned to the United States. Standardized registration procedures are necessary because there have been great variations from one Customs region to another and even from one port of entry to another within the same region, as to what articles Customs would register.

**DATE:** Comments must be received on or before November 20, 1981.

**ADDRESS:** Comments may be addressed to the Commissioner of Customs, Attention: Regulations Control and Disclosure Law Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** Joseph O'Gorman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

**SUPPLEMENTARY INFORMATION:**

**Background**

All merchandise of foreign origin imported into the United States is subject to a customs duty unless it has been specifically exempted from the duty. Under § 148.1(a), Customs Regulations (19 CFR 148.1(a)), any person, except a nonresident seaman, airman, or person engaged in similar employment, who intends to take valuable effects of foreign origin abroad may register those articles before departure from the United States. The purpose of this provision is to facilitate identification of the articles upon their return to the United States so that the traveler would not have to pay duty on articles that were already subject to duty payment when originally imported.

Under § 148.1(b), before leaving the United States, the person could present valuable effects of foreign origin to a Customs officer together with a properly executed Customs Form 4457, "Certificate of Registration For Personal Effects Taken Abroad." The Customs officer would examine the articles, verify their description on the form, and sign the form. The form would be returned to the person for presentation to Customs at the port of entry upon return of the articles. A Customs Form 4455, "Certificate of Registration," could be required in any case in which a Customs Form 4457 would not adequately serve the purpose of registration.

It was Customs policy to permit the registration of any foreign-made article considered by the traveler to be "valuable." In practice, this led to great variations from one Customs region to another and even from one port of entry to another within the same region, as to what articles Customs would register. For example, at many ports, travelers were limited to registering foreign-made articles which had a serial number or other unique permanent marking. At other locations, there was no such limitation and a traveler could register a coat or a piece of jewelry and merely provide a description of the article. As a result, a Customs officer at a port where strict registration limitations were enforced had to attempt to clear travelers whose registration certificates were secured at a port with more liberal registration standards. Without a serial number or other unique permanent marking, it was often very difficult for the Customs officer at the port of entry to determine whether the article returned to the United States was the same article that previously was registered. Also, liberal registration procedures at some locations encouraged fraud. Travelers could intentionally import articles similar to those they had previously registered in an attempt to avoid the payment of duty.

The liberal registration procedures also led to occasional difficulties for travelers. Some travelers found that they were unable to register certain articles at one Customs port after previously having registered similar articles at a different port. Also, travelers who registered a non-serially-numbered article may believe erroneously that the registration process automatically precluded any doubt on the part of Customs that the article being returned from abroad was the article previously registered. Such situations have led to misunderstandings in some instances.

To resolve these difficulties, Customs prepared new guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by travelers. Customs officers were advised by internal directives to register only those foreign-made articles having serial numbers or other unique, permanently affixed markings. Customs believes it appropriate to amend the Customs Regulations to conform the regulations to the new registration standards.

This document proposes to amend § 148.1(a), Customs Regulations (19 CFR 148.1(a)), to reflect the Customs guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by United States travelers. Registration would be restricted to those articles having serial numbers, or distinctive, permanently affixed markings uniquely distinguishing those articles from similar ones when they are returned to the United States. Also, the word "valuable" would be deleted from the section heading and paragraphs (a) and (b) of section 148.1, because Customs believes the term is too vague.

By separate publication, Customs intends to publicize the alternatives to registration that may be helpful to travelers taking foreign-made articles abroad. These alternatives include travelers carrying with them copies of bills of sale, insurance papers, jewelry appraisals, repair receipts, etc., that may be helpful to identify the articles upon their return. Currently, this information is found on page 11 of the Customs booklet "Know Before You Go," available from any Customs Office.

#### Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66); sections 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 1484, 1498, 1624).

#### Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control and Disclosure Law Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

#### Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

#### Applicability of the Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601, *et seq.*), the Secretary of the Treasury has determined that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. The proposed rule is a voluntary procedure, and is directed to tourists traveling abroad rather than a "small entity" as defined in section 601 of Title 5, United States Code (as added by section 3 of the Act). Therefore, the regulation will not significantly affect a substantial number of small entities, and is not expected to generate significant interest or attention from small entities through comments, either formal or informal, on the rule. Furthermore, the rule is not expected to have a significant secondary or incidental impact, or to impose, or to otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on tourists.

#### Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control and Disclosure Law Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

#### Proposed Amendments

#### PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

It is proposed to revise § 148.1 of Subpart A, Part 148, Customs Regulations (19 CFR 148.1) to read as follows:

#### Subpart A—General Provisions

##### § 148.1 Registration of effects to be taken abroad.

(a) *Persons who may use procedure.* Any person, except a nonresident seaman, airman, or person engaged in similar employment, who intends to take effects of foreign origin abroad may register such articles before departure from the United States in order to facilitate their identification on return to

the United States. Only articles of foreign origin having serial numbers or other distinctive, permanently affixed unique markings can be registered.

(b) *Procedure for registration.* Applicants for registration of articles of foreign origin shall present the articles to a Customs officer together with a properly executed Customs Form 4457. After the Customs officer has examined the articles and verified their description, he shall sign the form and return it to the applicant for presentation on return of the articles. Customs Form 4455 may be required in any case in which Customs Form 4457 will not adequately serve the purpose of registration.

(c) *Presentation on return.* The form shall be presented to the Customs officer when the registered articles are returned to the United States.

William T. Archey,  
*Acting Commissioner of Customs.*

Approved:

John P. Simpson,  
*Acting Assistant Secretary of the Treasury.*

September 1, 1981.

[FR Doc. 81-27442 Filed 9-18-81; 8:45 am]

BILLING CODE 4810-22-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Parts 730, 731, and 732

#### Permanent Regulatory Programs for Non-Federal and Non-Indian Lands; Reopening of Public Comment Period

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** OSM is reopening the period for review and comment on proposed rules that would amend 30 CFR 730.5, 731.13 and 732.15 to give the States more flexibility in the development, issuance and enforcement of regulations for surface coal mining and reclamation operations within their borders. OSM is reopening the comment period because the House Committee wishes to discuss the proposed rule during oversight hearings scheduled for September 22, 1981.

**DATE:** Written comments must be received by September 23, 1981, not later than 5:00 p.m. at the address below.

**ADDRESSES:** Written comments must be mailed or head-delivered to: Administrative Record (S & F.01), Office

of Surface Mining, Room 153, South Interior Building, 1951 Constitution Avenue N.W., Washington, D.C. 20240.

#### FOR FURTHER INFORMATION CONTACT:

Carl C. Close, Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining, Room 130, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone (202) 343-4225.

**SUPPLEMENTARY INFORMATION:** On July 1, 1981, at 46 FR 34348-34351, the Deputy Assistant Secretary for Energy and Minerals, U.S. Department of the Interior, published proposed rules to amend 30 CFR 730, 731 and 732 to give States more flexibility in the development, issuance and enforcement of regulations for surface coal mining and reclamation operations within their borders. The notice established a public comment period which was to close at 5:00 p.m. on July 31, 1981. OSM was then advised by the House Committee on Interior and Insular Affairs that the Subcommittee on Energy and Environment intended to include discussion of the proposed rule on the agenda of the Committee's oversight hearings scheduled for August 5, 1981. In order to accommodate the request of the Subcommittee's Chairman for such discussion without violating standards regarding ex parte communications, OSM extended the comment period until 5:00 p.m. on August 12, 1981. OSM has now been advised by the House Committee that it wishes to continue discussion of the proposed rule during a second session of oversight hearings scheduled for September 22, 1981. To accommodate such discussion, OSM is reopening the comment period from the date of this publication until 5:00 p.m. September 23, 1981. All written comments received, transcripts of the public hearing that was held July 28, 1981, and notes from the House Committee's discussions of the proposed rule will be made available for public review during regular business hours at the above address.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: September 16, 1981.

J. Steven Griles,  
*Acting Director, Office of Surface Mining.*

[FR Doc. 81-27437 Filed 9-18-81; 8:45 am]

BILLING CODE 4310-05-M

## 30 CFR Part 920

### Cancellation of Public Hearing on Modified Portions of the Maryland Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement.

**ACTION:** Cancellation of public hearing.

**SUMMARY:** OSM is announcing the cancellation of a public hearing on the adequacy of program modifications submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Maryland permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice cancels the public hearing but does not alter the time and location at which the Maryland program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

**DATES:** The following hearing is cancelled: The public hearing on the proposed modifications to the Maryland program, September 24, 1981, from 7:00 p.m. to 9:00 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Christine M. Struminski, Assistant Regional Director, Division of State and Federal Programs, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342-8125.

**SUPPLEMENTARY INFORMATION:** On September 4, 1981, notice of opportunity for public hearing on the proposed modifications to the Maryland program, was published in the Federal Register (46 FR 44475-44476). The proposed modifications pertain to regulation changes required by the Secretary of the Interior in his conditional approval of the Maryland program.

The notice stated that any person interested in making an oral or written presentation at the hearing should contact Christine Struminski by September 11, 1981, and that if no person contacted Ms. Struminski to express an interest in participating in the hearing by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by September 11, 1981, the hearing has been cancelled.

While there will be no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4:00 p.m. on October 5, 1981, to be considered in the Secretary's decision on whether the proposed amendments satisfy the

regulatory conditions imposed on the approval of the program.

Written comments should be mailed or hand-delivered to: Christine M. Struminski, Assistant Regional Director, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301.

Dated: September 15, 1981.

J. Steven Griles,  
Acting Director, Office of Surface Mining.

[FR Doc. 81-27438 Filed 9-18-81; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

[DoD 6010.8-R]

#### Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DOD.

ACTION: Extension of comment period.

**SUMMARY:** On July 31, 1981, the Office of the Secretary of Defense published a proposed amendment to Part 199 of this title to eliminate residential treatment centers (RTCs) as authorized providers under CHAMPUS for new admissions on and after October 1, 1981. Comments were requested to be submitted on or before August 31, 1981. Because of the wide interest this proposed amendment elicited, and to ensure that all interested parties are given the opportunity to make their views known, the Office of the Secretary of Defense is extending its public comment period to October 31, 1981.

**DATES:** Comments must be submitted on or before October 31, 1981. If adopted as a final rule, the amendment will be effective for new admissions to RTCs on or after January 1, 1982 (instead of the earlier announced date of October 1, 1981).

**FOR FURTHER INFORMATION CONTACT:** Ms. Carol P. Galaty, Director, CHAMPUS Washington Liaison Office, Office of the Assistant Secretary of Defense (Health Affairs), Room 2B270, telephone 202-695-9286.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 81-22362, appearing in the Federal Register on July 31, 1981 (46 FR 39167), the Office of the Secretary of Defense published a proposed amendment to §§ 199.8, 199.10, 199.12, and Appendix A. of this title, deleting RTCs as authorized providers of care under CHAMPUS. As the result of this extension of the comment period, if adopted as a final

rule, the amendment will be effective for new admissions to RTCs on and after January 1, 1981, and the transition period for those CHAMPUS residents in an RTC as of January 1, 1981, will be 9 months instead of 12 months as announced in 46 FR 39167, July 31, 1981, with all RTC benefits still terminating as of September 30, 1981.

Dated: September 16, 1981.

M. S. Healy,  
OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.

[FR Doc. 81-27318 Filed 9-18-81; 8:45 am]

BILLING CODE 3810-01-M

## ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 125

[EN-FRL 1862-2]

#### National Pollutant Discharge Elimination System; Compliance Extensions for Innovative Technologies

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** Section 301(k) of the Clean Water Act of 1977 (CWA) allows the EPA to grant compliance extensions to any industrial facility subject to a permit under the National Pollutant Discharge Elimination System (NPDES) which installs innovative technology. The Agency is proposing requirements for granting compliance extensions for the installation of innovative technologies under that section. Under this regulation an industrial discharger that is subject to the requirement of achieving limitations reflecting the best available technology economically achievable (BAT) under section 301(b)(2) of the CWA may request a compliance extension to no later than July 1, 1987, for the installation of an innovative technology. To qualify for an extension, the innovative technology must either produce a significantly greater effluent reduction than BAT or achieve the same level of effluent reduction as BAT at a significantly lower cost.

Section IV of this preamble discusses the principal issues associated with this proposed regulation. EPA solicits comments on each of these issues as well as on other aspects of this proposed regulation. In addition, the Agency requests comments on other approaches which might be used to implement section 301(k).

**DATES:** Comments on the proposed regulation must be received by November 20, 1981.

A public hearing to discuss and to receive comments on the proposed regulation will be held on November 9, 1981, at the Environmental Protection Agency, Room 3906, 401 M St., SW., Washington, D.C. 20460. At the public hearing registration will be held from 8:30 to 9:00 a.m. and comments will be received from 9:00 until concluded, or no later than 5:00 p.m. Anyone wishing to make an oral statement at the hearing should notify the address listed below in writing no later than one week before the hearing.

**ADDRESS:** Two copies of comments should be sent to: Thomas K. H. Lavery, Permits Division (EN-336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION:** Contact Thomas K. H. Lavery, Permits Division (EN-336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202) 426-2970.

#### SUPPLEMENTARY INFORMATION:

##### I. The Statute

The CWA outlines a two-step process by which industrial dischargers are to reduce or eliminate the discharge of pollutants into the navigable waters. The first step was meeting effluent limitations attainable by the application of Best Practicable Control Technology Currently Available (BPT) by July 1, 1977 (section 301(b)(1)(A) of the CWA). The second step involves meeting effluent limitations reflecting BAT by July 1, 1984 (section 301(b)(2) of the CWA).

The permits issued to industrial dischargers under the National Pollutant Discharge Elimination System (NPDES) incorporate the appropriate technology-based limitations and contain compliance schedules for achieving those limitations. Section 301(k) provides an industrial discharger subject to an NPDES permit with two options for qualifying for a compliance extension from the BAT deadline of July 1, 1984 to no later than July 1, 1987. The first option is the installation of an innovative technology which produces an effluent reduction which is significantly greater than that required by BAT. The second option is the installation of an innovative technology which achieves the same level of effluent reduction as required by BAT with the potential for achieving that reduction at a significantly lower cost than estimated for BAT. In either case, the discharger must demonstrate that

the proposed innovative technology has the potential for industry-wide application. The decision to grant a compliance extension will be made by EPA or by a State, with an approved NPDES program, in consultation with EPA.

## II. Advance Notice of Proposed Rulemaking

The Agency published an Advance Notice of Proposed Rulemaking (ANPR) on September 19, 1980 in the Federal Register (45 FR 62509). The ANPR outlined the initial EPA position on the implementation of section 301(k) and solicited comment on a range of issues. Those issues, the comments received, and the Agency response to those comments are described below. Copies of the comments received are available for public inspection in the EPA Headquarters Library, Waterside Mall Room 2404, 401 M Street, SW., Washington, D.C. 20460.

### A. "Public Interest"

The Agency was pleased to receive written comments on the ANPR from 16 sources. (See Appendix I for a list of comments.) The comments generally supported compliance extensions as a method for encouraging innovation, although some commenters expressed doubt about whether a three-year extension is an adequate incentive for dischargers to install innovative wastewater treatment technologies. The Agency aim is to develop the section 301(k) program as rapidly as possible to allow industry the maximum period of time to develop requests for extensions.

### B. "Innovative Technology"

Section 301(k) uses three terms, in discussing when a discharger may be eligible for compliance extension: innovative production process, innovative control technique, and innovative system. In the ANPR the Agency grouped the three statutory terms under the general term "innovative technology".

In addition, the Agency stated that, in evaluating whether an innovative technology has the potential for achieving BAT at a significantly lower cost, it would consider such factors as by-product recovery, net energy consumption, recycling of wastewater, and reduced abatement expenditures for other forms of pollution (e.g., air pollution or hazardous wastes). Both of these positions were supported by the comments and the Agency retains them for today's proposed regulation.

### C. "Significantly Greater Effluent Reduction" and "Significantly Lower Cost"

The Agency outlined three approaches in the ANPR which might be used to evaluate whether a technology may achieve "significantly greater effluent reduction" or "significantly lower cost". The first approach was case-by-case determinations of whether significantly greater effluent reduction or significantly lower cost would be achieved by a proposed innovative technology. The second approach was the development by the Agency of national norms for significantly greater effluent reduction and for significantly lower cost, which would be expressed as a percentage improvement in effluent reduction or cost reduction. The final alternative was the establishment of norms for improvement in effluent reduction and cost reduction based upon industrial categories. As with the national norms, the categorical norms would be expressed as percentage improvements in effluent reduction or cost reduction.

Nearly all of the comments expressed support for the first approach. The principal reason cited by the commenters was that this approach would afford the Agency greater flexibility in considering site-specific and industry-specific factors. The Agency agrees with this comment and has concluded that the increased flexibility and the lighter initial resource burden of the case-by-case approach make it the best alternative for implementing the section 301(k) program.

### D. "Industry-Wide Application"

The Agency solicited comments on two alternative definitions of the term "industry-wide application." As discussed previously, the innovative technology must have the potential for "industry-wide application" before a compliance extension can be granted. The first alternative would require that an innovative technology have the potential for application in the majority of facilities in the pertinent industrial category. The other definition would require the innovative technology to have the potential for application at two or more facilities within the pertinent industrial category. In the ANPR the Agency indicated that it believed that the use of the second definition would increase the number of innovative technologies that could qualify for compliance extensions and thus reflected the intent of Congress regarding the use of the term.

Consequently, the Agency favored that definition.

The comments endorsed the Agency position and suggested that the Agency broaden the definition. The principal suggestion was that the Agency broaden the definition to include innovative technologies which might be used at one or more facilities in any two industrial categories. The Agency has concluded that this extension of the concept of industry-wide application is reasonable and consistent with Congressional intent. Consequently, the Agency has adopted it for this proposed regulation.

### E. "Technical Appendix"

The Agency noted in the ANPR that it was considering attaching a technical appendix to the section 301(k) regulation. The purpose of the appendix would be to identify technologies that the Agency believed might have potential for section 301(k) compliance extensions. The Agency included a list of technologies when the ANPR was published, and asked for comments on their inclusion in the appendix. This list was not intended to be a list of technologies that automatically or presumptively would qualify for compliance extensions under section 301(k).

The concept of a technical appendix and the published list received a mixed reaction. A number of commenters suggested that it would be extremely difficult to develop an appendix that would do anything except suggest some of the possibilities for innovation. Other commenters suggested technologies additions to the list, while one commenter urged the Agency to delete a technology from the list and then to classify it as BAT.

These comments lend support to the Agency's conclusion that the development of a technical appendix would not be the best approach for implementing section 301(k). The Agency reached this conclusion for several reasons. As the comments noted, it would be very difficult to develop a comprehensive and timely list in view of the variety and complexity of industrial facilities. Moreover, the development and maintenance of such a list, which could aid in implementing the 301(k) program, would place a substantial burden on Agency resources. Finally, the existence of the list may serve to stifle other initiatives because firms might focus on listed technologies rather than pursuing other options which had not yet received EPA consideration. This is the very opposite of what the Agency hopes to accomplish with the section 301(k) program.

#### F. "Verification"

The Agency described in the ANPR the type of data which it expected to require dischargers to submit in support of their requests for compliance extensions. The Agency said that it expected that it would require certification of the engineering data and cost estimates by a professional engineer. Numerous comments were received on the certification requirement, the majority opposing it as unnecessary and burdensome. Several commenters suggested that the requirements might be acceptable if in-house professional engineers were permitted to certify the data and cost estimate.

The Agency regards some of these comments as well-founded and is clarifying its position on the issue in today's proposal. The Agency thinks that certification of the engineering data and cost estimates not only assures the accuracy of the data and estimates in compliance extension requests, but also should simplify and shorten the review process. Without certification a more painstaking review of section 301(k) requests would be necessary, which would increase the potential for delay. Consequently, the proposed regulation contains the certification requirement. Where available, in-house professional engineers can provide the certification. However, EPA recognizes that certification by a professional engineer could prove burdensome for some dischargers, especially for smaller firms, and solicits comments on this issue in section IV. F. below.

#### G. "Length of Extension"

The Agency noted in the ANPR that section 301(k) extensions can be granted only until July 1, 1987 and indicate that its determinations about the length of compliance extensions would be made on a case-by-case basis. The Agency based this position on its recognition that the amount of time which will be required to install the various innovative technologies will probably vary significantly. The comments favored this position. Additionally, it should be noted that the maximum length of a permit containing a section 301(k) extension would be five years because that is the maximum length allowed by the CWA for NPDES permits.

#### H. "Length of Time Technology Is Considered Innovative"

The Agency requested comment on how long a technology should be considered innovative once its first full-scale commercial demonstration has been made. In the view of several

commenters an innovative technology should continue to be treated as innovative by EPA for as long as possible. In light of the relatively short period during which compliance extensions can be granted, the Agency agrees and expects that, once an extension has been granted, the qualifying technology would continue to be eligible for extensions until July 1, 1984.

#### I. "Duplication of an Innovative Technology"

In the ANPR EPA invited comment on how it could encourage the adoption of innovative technologies by other firms without interfering with the proprietary interests of firms. Several comments suggested that retaining a technology in the innovative category for the entire time permitted by statute would be the most direct way to encourage use by others. In addition one commenter remarked that concerns about the distribution of proprietary information on innovative technologies should be left to the firms, which can use patent laws and licensing agreements to protect their interests. The Agency agrees with these positions and, in line with its position in section II.H. above, expects that section 301(k) requests based on previously approved technologies would ordinarily be approved.

#### J. "Failure of Innovative Technologies"

The Agency invited comment on the appropriate enforcement policy for situations in which an innovative technology fails to achieve its projected level of performance (but performs better than BAT) or is unable to perform as well as BAT. The comments indicated that this issue is one of the biggest concerns of industry. The Agency position on this issue is discussed in detail in section IV.D. below.

### III. Proposed Regulation

#### A. Section 301(k) Process

The process for a section 301(k) request will consist, in most cases, of three phases. These phases will be (1) preparation and submission of the request, (2) review of the request by EPA or State personnel (in States with approved programs) and (3) implementation of the innovative technology at the facility.

(1) *Preparation and Submission of the Request.* The first phase will involve development of the appropriate documentation in support of the request. This documentation must demonstrate that the innovative technology will

produce either significantly greater effluent reduction than BAT or the same level of effluent reduction as BAT at a significantly lower cost. The documentation must also include a showing that the innovative technology is applicable in at least one other facility in the applicant's industrial category or in another industrial category. Because each innovative technology involves a risk of failure, the documentation must include an evaluation of how the discharger will modify or replace the innovative technology in the event the technology fails to perform as well as BAT. Each of these demonstrations or evaluations could be included in an engineering report, which might include any pilot plant results for the innovative technology.

During this first phase the applicant would coordinate its preparation of the request with the appropriate Regional or State section 301(k) coordinator. The coordinator would provide information on the procedure for making the request and the documentation which must be submitted with the request. During this phase, the applicant and EPA or State technical personnel would begin discussions about the proposed innovative technology.

These discussions should be initiated as soon as possible prior to the expiration of the existing permit. Early discussions will be particularly important when effluent limitations guidelines are unavailable. Additional time is required in these circumstances because the permit writer must develop BAT limitations for the facility and must evaluate the available technologies which might achieve those limitations. The latter step is necessary to provide a basis for comparison with the innovative technology.

In order for the permit writer to perform these two tasks, the applicant will have to submit information, including effluent data, about the facility. The permit writer ordinarily will consult with State and EPA technical staff that are familiar with the industry in developing limitations and in evaluating the performance of the BAT technology. These consultants in many cases will be members of the evaluation panel discussed in section III.A.2 below.

Once its preparations are complete, the applicant will submit three copies of its request and documentation to the State or Regional section 301(k) coordinator, who will review the request for completeness. If the request is complete and if the State permit writer believes the innovation technology is technically feasible, the State coordinator will forward copies of the

request to the Regional coordinator and to the EPA Headquarters coordinator. Similarly, when EPA Region is responsible for the request, the Regional coordinator will forward the request to the Headquarters coordinator if the Regional permit writer believes the request is technically feasible.

Applicants can appeal EPA decisions on section 301(k) variance requests under either Subpart E or Subpart F of 40 CFR Part 124. Applicants in NPDES States can appeal State decisions on requests under State appeal procedures.

(2) *Review of the Request.* In the second phase the Headquarters section 301(k) coordinator will distribute the request to a panel of EPA and State personnel who are familiar with the industrial category in question. Members of this panel will include, among others, representatives from EPA's Offices of Research and Development and Water. The panel will evaluate the request in terms of three criteria: whether the technology is innovative; whether the performance improvement offered by the technology (either in cost or effluent reduction) is significant; and whether the technology has the potential for industry-wide application.

Once the review is completed, the Headquarters coordinator will forward the panel's recommendations to the appropriate section 301(k) coordinator. If the panel recommends approval, the permit writer will begin developing limitations, conditions, and a compliance schedule for the facility's permit. If the panel recommends approval of the request if certain conditions are met, the permit writer could develop a permit reflecting those conditions. If the panel recommends disapproval, the applicant could revise the request in accordance with the panel's recommendations.

(3) *Implementation of the Innovative Technology.* As discussed previously, once the request has been approved by the panel, the permit writer will develop the permit, which will include a compliance schedule calling for implementation of the innovative technology by no later than July 1, 1987. If the extension is based on an innovative technology that is expected to perform better than BAT, the permit will contain effluent limitations which are more stringent than BAT and reflect the expected level of performance of the innovative technology. The permit will also provide for regular evaluation of the progress in installing the innovative technology and of its performance once installed. The purpose of the regular evaluations would be to insure that the

innovative technology produces its expected performance improvements or, if the innovative technology fails, to insure that the facility is in compliance with BAT effluent limitations by July 1, 1987.

#### *B. Specific Provisions*

(1) *Definitions—Section 125.22.* The Agency has retained from the ANPR its use of "innovative technology" as an umbrella term including production process changes, pollution control techniques, and systems which are a combination of process changes and control techniques. The definition of "potential for industry-wide application" has been broadened to include applications in industrial categories other than the category of which the facility is a part.

The definition for the term "significantly greater effluent reduction than BAT" involves a comparison between two increments. The first increment, or baseline, is the effluent reduction improvement over BPT produced by BAT. The second increment is the effluent reduction improvement over BAT produced by the innovative technology. When the two increments are compared, the second increment must be significant in relation to the first. When interpreting this definition, the Agency will emphasize the reduction in mass loading of all toxic and nonconventional pollutants discharged that an innovative technology produces. The Agency will do so even when BAT limitations are concentration-based by converting the concentration-based limitations to mass loadings. When evaluating a proposed innovative technology that is more effective than BAT in removing more than one pollutant, the Agency will consider the total incremental removal for all toxic and nonconventional pollutants in determining whether a proposed innovative technology produces a significantly greater effluent reduction than BAT.

The definition of "significantly lower cost" also involves a comparison between two terms. The first term is the total of the annual cost of capital and the annual cost of operation and maintenance for BAT level of treatment. The second term is the total for the annual cost of capital and the annual cost of operation and maintenance of the innovative technology. To qualify for an extension the second term (the total annual cost of the innovative technology) must be significantly less than the first (total annual cost of the BAT system).

In evaluating the significance of a cost reduction produced by an innovative

technology, permit writers will consider such factors as the amount of by-product recovery, net reductions in energy consumption, the extent of recycle and reuse of wastewater, and the extent of any positive impacts in other pollution media (e.g., air pollution or hazardous wastes) due to the innovative technology.

(2) *Request for Compliance Extension—Section 125.23.* This section lists two alternative demonstrations, one of which a facility must make in requesting a compliance extension under section 301(k).

(3) *Permit Conditions—Section 125.24.* This section authorizes the Director (the EPA Regional Administrator or State NPDES Director) to include in permits containing section 301(k) compliance extensions reporting requirements on the costs of the innovative technology and a set of BAT limitations that must be met by July 1, 1987 if the Agency or State permitting authority determines that the more stringent innovative technology limitations are not achievable.

(4) *Signatory Requirement—Section 125.25.* Subsections (a) and (b) of this section incorporate the signatory and certification requirements contained in the consolidated permit regulations (40 CFR 122.6). Subsection (c) provides for certification of the engineering data and cost estimates for the BAT treatment and for the innovative technology by a professional engineer. The certification by a professional engineer can be by in-house personnel.

(5) *Supplementary Information and Record Keeping—Section 125.26.* The applicant is required to provide additional information to assist the Director in evaluating the request. The applicant is required to retain records of all data used in completing the request for the life of the innovative technology permit to allow for evaluation of the technology's performance.

(6) *Procedures—Section 125.27.* This section indicates the location of the sections of the consolidated permit regulations which govern the procedure for requesting a section 301(k) compliance extension. Those sections also refer to roles that the EPA Regional Administrators and State NPDES Directors will pay regarding section 301(k) requests.

#### **IV. Issues**

##### *A. Application of Section 301(k) to Conventional Pollutants*

In the ANPR the Agency took the position that section 301(k) applies only to the toxic and nonconventional

pollutants and that it lacks authority to grant section 301(k) extensions for conventional pollutants. Several commenters suggested that the availability of compliance extensions under section 301(k) should be extended to the conventional pollutants. After review of the statutory language and the legislative history, the Agency has concluded that its position in the ANPR is the correct interpretation. As is explained in section IV.D.1 below, the Agency is considering an enforcement policy regarding compliance with the 1984 BCT deadline that will grant greater flexibility to dischargers eligible for section 301(k) extensions. The purpose of the policy is to allow the Agency to implement as fully as possible the intent of Congress that innovative technologies be used to treat toxic and nonconventional pollutants. The Agency welcomes further comment on this position.

#### *B. Application to Indirect Dischargers*

One commenter suggested that the Agency should grant section 301(k) compliance extensions to indirect dischargers with qualifying innovative technologies. An indirect discharger is one that discharges its wastewater to a publicly owned treatment work (POTW). Section 301(k) refers to facilities subject to permits under section 402 of the CWA. Each direct discharger holds a section 402 permit, while indirect dischargers do not hold individual section 402 permits. The only section 402 permits to which indirect dischargers have a connection are the permits for the POTWS into which they discharge their wastewater. The fact that indirect dischargers do not hold individual section 402 permits presents two difficulties for the Agency. One difficulty is interpreting section 301(k) to apply to indirect dischargers when they do not hold section 402 permits. The other difficulty is enforcing permit conditions against an indirect discharger that is granted a section 301(k) extension. The Agency has tentatively concluded that indirect dischargers are not eligible for section 301(k) compliance extensions, but would welcome further comment on this position.

#### *C. Application of Section 301(k) to New Sources*

The Agency also received a suggestion that the Agency should make section 301(k) compliance extensions available to new sources. Section 301(k) limits the availability of compliance extensions to facilities subject to the requirements of section 301(b)(2)(A). New sources are subject to requirements

under section 306 of the CWA, rather than those of section 301(b)(2)(A). Consequently, the Agency believes that new sources are not eligible for section 301(k) compliance extensions. The Agency invites comment on this position.

#### *D. Enforcement Policy for Innovative Technologies*

In the legislative history of Section 301(k) Congress clearly expressed its intent to encourage direct dischargers to experiment with innovative technologies. EPA has concluded that its enforcement policy should foster that intent. There are two areas in which Agency enforcement policy can have an impact on the section 301(k) program. The first area is enforcement of the July 1, 1984 deadline for compliance with BCT limitations (for dischargers receiving compliance extensions) and the second is enforcement of the July 1, 1987 section 301(k) deadline for BAT limitations.

*(1) 1984 BCT Deadline.* For certain dischargers the July 1, 1984 deadline for best conventional pollutant control technology ("BCT") may limit the utility of the section 301(k) extension. This problem arises in situations where both conventional pollutants and the pollutants referenced in section 301(k) (toxic and nonconventional pollutants) are present in the same waste stream and the BAT and BCT limitations are based on the same model treatment system. Commenters have suggested that, in these instances, the Agency apply the section 301(k) extension to the BCT limitations as well as to the BAT limitations. As noted above, however, the Agency does not believe that it has the specific statutory authority to do so. EPA is considering the use of Enforcement Compliance Schedule Letters ("ECSLs") on a case-by-case basis where the Agency concludes that enforcement of the BCT deadline for dischargers receiving compliance extensions would be inappropriate. These ECSLs would state that EPA will, subject to certain conditions, refrain from instituting civil actions to enforce compliance with BCT requirements. The purpose of the ECSL would be to allow permittees proceeding in good faith to install section 301(k) technology which will achieve both BCT and BAT limitations for a single waste stream.

Under no circumstance would ECSLs be issued in connection with section 301(k) applications for those waste streams in which only conventional pollutants are discharged. Compliance extensions under section 301(k) are available only to dischargers of

nonconventional pollutants and toxic pollutants

The ECSL policy being considered by EPA would state that EPA would refrain from initiating civil actions to enforce BCT-level treatment requirements on a case-by-case basis. An ECSL would be available in those situations where the permittee plans to install a single treatment system to meet the BCT and BAT limitations. Before issuing an ECSL, EPA would consider (1) whether on balance the benefits expected to be achieved as a result of the development of the proposed innovative treatment system outweigh the environmental harm caused by deferral of BCT compliance, and (2) the likelihood that the applicant would comply with the conditions of the letter, as evidenced, *inter alia*, by the applicant's history of compliance with other environmental requirements. EPA would require as a condition of the ECSL a commitment by the applicant to achieve BCT compliance according to a specified expeditious schedule. In appropriate cases, EPA would require, as a condition of the ECSL, process modifications, raw materials changes, or interim treatment to achieve reasonable possible conventional pollutant load reduction prior to attainment of final effluent limitations. Such interim limits could require compliance with BCT limits where this is reasonable.

*(2) 1987 Section 301(k) Deadline.* EPA considers the deadlines contained in section 301(k) permits to be fixed legal requirements. Dischargers who fail to comply with milestones in such permits may be subject to enforcement action for injunctive relief and penalties. However, EPA will not seek penalties from dischargers that can demonstrate that they have made all possible efforts to achieve compliance with permit limitations. Dischargers that receive section 301(k) extensions must maintain records showing that efforts have been made to design, purchase, construct, and install an innovative technology capable of meeting permit limitations.

Dischargers whose innovative technologies fail to meet permit limitations will be required to install other technology as may be necessary to achieve compliance with general applicable BAT limitations. Compliance must be achieved as expeditiously as possible and EPA will initiate enforcement actions to place permit violators on schedules toward compliance. In many cases EPA expects that negotiations between the Agency and dischargers will result in the entry of consent decrees setting forth such compliance schedules. Penalties in such

situations will not be a routine part of the Agency's enforcement policy because penalties ordinarily are attendant to instances of non-cooperation, undue delay, or recalcitrance. Furthermore, enforcement policy in these situations will reflect the Agency's commitment to use of section 301(k) by industrial dischargers.

#### *E. Involvement of Water Treatment Technology Vendors*

The Agency regards the participation and support of water treatment technology vendors as important to the success of the section 301(k) program. The Agency intends to make a strong effort to notify vendors of the program and to encourage their participation. The Agency solicits comments on ways of encouraging this participation.

#### *F. Certification*

The Agency has retained its original position stated in the ANPR on certification of costs and engineering data by a professional engineer. The Agency has retained the certification requirement because it provides an assurance of the quality of requests and thereby should simplify the review process. The certification can be performed by in-house personnel. The Agency invites comment on its position, on the likelihood that firms will have in-house professional engineers available to provide the certification, and on the cost of obtaining certification for those firms which cannot use their own personnel. The Agency also requests comment on the appropriate language for the certification.

#### *V. Regulatory Analysis*

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This Regulation is not major because it meets none of the criteria set forth in Executive Order 12291 for defining a Major regulation. The section 301(k) program is a voluntary one and the Agency does not expect that a discharger will request a compliance extension unless it is in its economic interest to do so. Dischargers will balance the extra cost of demonstrating, installing and operating an innovative technology and the risk of failure of that technology against the financial value of the extension and the potential for savings from the innovative technology.

The section 301(k) program should result in net benefits for facilities, except in those few instances in which the innovative technology fails and must be replaced in order to meet BAT

limitations by 1987. To the extent that the innovative technologies receive widespread application, the benefits of lower cost and more effective treatment will be spread to other segments of industry and society as a whole.

Because of the voluntary nature of the program and because of its expected positive economic benefits, the Agency has concluded that a regulatory impact analysis is not required for the section 301(k) program. The Agency will re-evaluate its position on the economic impact for the final regulation on the basis of the comments on the proposed regulation.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

#### *VI. Regulatory Flexibility Analysis*

The Regulatory Flexibility Act of 1980 (RFA) requires an analysis of the impact of proposed and final regulations on small entities if regulation will have a significant economic impact on a substantial number of small entities. Because the section 301(k) program is limited to industrial direct dischargers, it will not affect those small organizations, small governmental jurisdictions, or small business which are indirect dischargers. Because it is a voluntary program, only those small businesses for which there is a perceived economic benefit will participate in the program. In addition, the response to the ANPR suggests that small business participation in the section 301(k) program will be moderate. For these reasons, the Agency has concluded that the section 301(k) program will not have significant impact on a substantial number of small entities and that a regulatory flexibility analysis is not required, pursuant to section 605(b) of the RFA.

In addition, the Agency intends to develop a review procedure for section 301(k) requests which will minimize delay and financial burden for small businesses, as well as for other dischargers. The Agency will re-evaluate the impact of the program on small entities, particularly the impact of the certification requirements, on the basis of the response to the NPR.

#### *VII. Evaluation Plan*

Agency policy requires the development of evaluation plans to support the development and implementation of significant regulatory actions. The regulation for EPA's implementation of section 301(k) is a significant regulation and EPA is developing an evaluation plan for

section 301(k) to provide for improved management of the innovation process which EPA hopes to influence through this regulation. The plan will provide for annual evaluations at the end of each of the first two years of the program and for a complete review of the program at the end of five years.

Information on the evaluation plan can be obtained by contacting Thomas K. H. Lavery, Permits Division (EN-336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202)426-2970.

#### *VIII. Reports Impact Analysis*

As was noted above the section 301(k) program is a voluntary program. Because of its voluntary nature and judging by the response to the ANPR, the reporting and record-keeping requirements of the program are likely to affect a small number of industrial direct dischargers. A firm participating in the program ordinarily will already have developed information on the performance of its innovative technology or will obtain the information from an equipment vendor selling the innovative technology. The only record-keeping requirement is that the firm retain the information on which its section 301(k) request is based for the life of the permit containing the compliance extension. The retention of this information will aid EPA in its evaluation of the performance of the program.

#### *IX. Paperwork Reduction Act*

The proposed regulation for section 301(k) contains information collection activities subject to the requirements of the Paperwork Reduction Act. The proposed regulation was submitted to the Office of Management and Budget as required by the Paperwork Reduction Act. The Agency will address any comments by the Office of Management and Budget on the information collection activities of the proposed regulation in the preamble of the final regulation.

(Clean Water Act (33 U.S.C. 1251 et seq.))

Dated: September 11, 1981.

John W. Hernandez,  
Acting Administrator.

#### **PART 125—CRITERIA AND STANDARDS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Accordingly, it is proposed that Subpart C be added to 40 CFR Part 125 to read as follows:

**Subpart C—Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under Section 301(k) of the Act—**

**Sec.**

- 125.20 Purpose and scope.
- 125.21 Statutory authority.
- 125.22 Definitions.
- 125.23 Request for compliance extension.
- 125.24 Permit conditions.
- 125.25 Signatories to request for compliance extension.
- 125.26 Supplementary information and recordkeeping.
- 125.27 Procedures.

Authority: 33 U.S.C. 1251 et seq.

**Supart C—Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under Section 301(k) of the Act**

**§ 125.20 Purpose and scope.**

This subpart establishes the criteria and procedures to be used in determining whether an industrial discharger will be granted a compliance extension for the installation of an innovative technology.

**§ 125.21 Statutory authority.**

Section 301(k) provides that the Administrator (or a State with an approved NPDES program, in consultation with the Administrator) may grant a compliance extension for BAT limitations to a discharger which installs an innovative technology. The innovative technology must produce either a significantly greater effluent reduction than that achieved by the best available technology economically achievable (BAT) or the same level of treatment as BAT at a significantly lower cost. The Administrator is authorized to grant compliance extensions to no later than July 1, 1987.

**§ 125.22 Definitions.**

(a) The term "innovative technology" means a production process, a pollution control technique, or a combination of the two which satisfies one of the criteria in § 125.23 and which has not been commercially demonstrated in the industry of which the requesting discharger is a part.

(b) The term "potential for industry-wide application" means that an innovative technology can be applied in two or more facilities in an industrial category or in one or more facilities in at least two industrial categories.

(c) The term "significantly greater effluent reduction than BAT" means that the effluent reduction produced by an innovative technology represents a

significant improvement when compared to the improvement in effluent reduction achieved by BAT in relation to the effluent reduction produced by best practicable control technology currently available (BPT).

(d) The term "significantly lower cost" means that an innovative technology must produce a significant cost advantage when compared to the technology used to achieve BAT limitations in terms of annualized capital costs and annual operation and maintenance expenses over the useful life of the technology.

**§ 125.23 Request for compliance extension.**

The Director shall grant a compliance extension to no later than July 1, 1987 to a discharger that demonstrates:

(a) That the installation and operation of its proposed innovative technology at its facility will result in a significantly greater effluent reduction than BAT and has the potential for industry-wide application; or

(b) That the installation and operation of its proposed innovative technology at its facility will result in the same effluent reduction as BAT at a significantly lower cost and has the potential for industry-wide application.

**§ 125.24 Permit conditions.**

The director may include any of the following conditions in the permit of a discharger to which a compliance extension beyond July 1, 1984 is granted:

(a) A requirement that the discharger report regularly on the installation, operation, and maintenance costs of the innovative technology;

(b) Alternative BAT limitations that the discharger must meet by July 1, 1987 if the innovative technology limitations that are more stringent than BAT are not achievable.

**§ 125.25 Signatories to request for compliance extension.**

(a) All section 301(k) requests must be signed as follows:

(1) For a corporation: By a principal executive officer of at least the level of vice-president;

(2) For a partnership or sole proprietorship: by a general partner of the proprietor, respectively.

(b) Any person signing a request under paragraph (a) of this section shall make the following certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my

inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(c) A professional engineer shall certify that the estimates by the applicant of the costs for the BAT control equipment and for the innovative technology are accurate within 15 percent and that the estimates are based on the least costly alternative for meeting BAT requirements.

**§ 125.26 Supplementary information and recordkeeping.**

(a) In addition to the information submitted in support of the request, the applicant shall provide the Director at his or her request, such other information as the Director may reasonably require to assess the performance or cost of the innovative technology.

(b) Applicants shall keep records of all data used to complete the request for a compliance extension for the life of the permit containing the compliance extension.

**§ 125.27 Procedures.**

(a) The procedure for requesting a section 301(k) compliance extension is contained in §§ 122.53(i)(4), 124.62, and 124.63.

(b) The procedure for appealing a decision on a request for a compliance extension is contained in §§ 124.60 and 124.64.

**Appendix I**

Note.—This Appendix I will not appear in the Code of Federal Regulations.

1. Allen, Dell, Frank & Trinkle.
2. Andco Environmental Processes Inc.
3. Unique Systems.
4. Union Camp.
5. American Iron and Steel Institute.
6. American Textile Manufacturers Institute.
7. National Coffee Association.
8. Olin Brass.
9. Duquesne Light.
10. Scott Paper.
11. Monsanto.
12. Union Carbide.
13. National Food Processors Association.
14. U.S. Department of the Interior.
15. The 3M Company.
16. Air Products and Chemicals, Inc.

[FR Doc. 81-27403 Filed 9-18-81; EAS am]  
BILLING CODE 6560-33-M

**DEPARTMENT OF TRANSPORTATION  
National Highway Traffic Safety  
Administration**

**49 CFR Part 571**

[Docket No. 70-7; Notice 12]

**Federal Motor Vehicle Safety  
Standards; Fields of Direct View**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Reconsideration of agency action; notice of petitions for reconsideration and opportunity for public comment thereon.

**SUMMARY:** On July 22, 1981, the Center for Auto Safety (CFAS) filed a Petition for Reconsideration of a Revocation by NHTSA of Federal Motor Vehicle Safety Standard No. 128, *Fields of Direct View* (46 FR 32254, June 22, 1981) ("standard 128"). Such revocation had been issued in response to Petitions for Reconsideration filed by nine interested parties, each of whom had participated in prior rulemaking proceedings which had commenced with an Advance Notice of Proposed Rulemaking published on February 25, 1970. In response to the CFAS petition, the Agency has decided to reconsider its prior Order revoking Standard No. 128.

**DATES:** The closing date for filing comments on the petitions for reconsideration is October 21, 1981. The closing date for filing comments on those comments is November 5, 1981.

**ADDRESS:** Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Finkelstein, Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1810).

**SUPPLEMENTARY INFORMATION:** The basis for this most recent petition for reconsideration is an alleged absence of notice that the agency was considering revocation of standard 128 and an alleged absence of opportunity for the public to comment upon the earlier petitions for reconsideration seeking such revocation. Although the Agency believes that actual notice was given of the planned revocation and that no additional opportunity for public comment was required, in view of the public interest in this matter the Agency has decided to reconsider the revocation and to solicit public comments.

Standard No. 128 was issued on January 2, 1981 (46 FR 40), after

extensive agency proceedings that produced sharp disagreement between and among agency experts and commenters on the safety benefits and costs of the proposal. The notice issuing the standard informed the public where petitions for reconsideration of the standard must be filed.

On February 5, 1981, the Agency formally extended the time for the filing of petitions for reconsideration of this and several other standards adopted during the same time frame (46 FR 10969). This action was taken at the request of interested parties intending to file petitions.

On April 6, 1981, the Agency issued a Notice of Intent that publicly identified a number of regulations and standards which it had determined were subject to review for current compliance with NHTSA's statutory directives and goals. Standard No. 128 was so listed.

At that time, the Agency indicated that the notice itself was not a notice of proposed rulemaking, and that "appropriate" proceedings would be "separately taken to implement the actions described" therein. (46 FR 21203.) The Agency also noted that it would "initiate rulemaking on or about July 1 to rescind Federal Motor Vehicle Safety Standard No. 128", on the stated grounds that "no significant safety problems have been identified in long-term design plans. Moreover, automobile manufacturers' design lead time may not permit compliance without substantial costly redesign." (46 FR 21204, emphasis supplied.)

At the time of the Notice of Intent, nine petitions for reconsideration of Standard 128 were pending before the agency. Pursuant to longstanding agency rule and practice (49 CFR 553.37), the agency commonly takes final action on reconsideration petitions without further proceedings. With respect to Standard 128, therefore, "appropriate" action by NHTSA to implement the Notice of Intent would not normally require or suggest a new proposed rulemaking.

Actual notice to the public of the probable pendency of petitions for reconsideration of this and other standards had been formally provided by the agency on February 5, 1981. All such petitions are in fact publicly docketed. In summary, those prior petitions raised such issues as the effect of normal production line variations and the use of more fuel-efficient, aerodynamic designs on meeting the obstruction limits, the need for and the costs of the substantial redesigning required by the standard, the anticipated safety benefits and the use of alternative mirror requirements to

provide adequate visual information to the driver.

Actual notice of the issues involved in the agency's consideration of the petitions for revocation was provided in the language of the Notice of Intent, itself, quoted above. Despite these facts, and the clear disclaimer stating that the "Notice of Intent" was not intended as a notice of rulemaking, persons unfamiliar with the record of this proceeding and/or unfamiliar with agency practice could have read the phrase "initiate rulemaking" to mean that the agency intended to modify its normal procedure and would open a new proposed rulemaking in the case of Standard No. 128. (Compare, e.g., discussion of proposed actions with respect to regulations regarding seat belt comfort and convenience, 46 FR 21204, with that relating to proposed modifications to hydraulic brake standards, *Id.* at 21205).

An extensive, eleven year long administrative proceeding has been underway with respect to Standard No. 128. It would clearly be unnecessary and inappropriate to initiate another such proceeding now. On the other hand, petitioner has at no previous time participated in the development of Standard No. 128, and its actual notice or knowledge of the substance thereof, including the details of the docketed petitions for reconsideration should not lightly be presumed. Since CFAS has now timely filed for reconsideration of NHTSA's revocation action, its participation is procedurally appropriate.

In the exercise of administrative discretion and in response to the petition by CFAS, the Agency has decided to reconsider its Order of June 22, 1981, revoking FMVSS No. 128. Notice of such petition, and of the petitions for reconsideration upon which such prior order was based, is hereby given. An opportunity for public comment on all such petitions is hereby granted for a period of 30 days from the date of publication of this Notice. An additional period of 15 days from the closing date of such period for comment is hereby also provided, for members of the public to comment upon comments so filed.

CFAS also requested the Agency to stay the effect of the June 22, 1981 revocation notice while the Agency considers the CFAS petition and requested relief. Since the revocation was effective upon publication, it cannot now be stayed. In the absence of any factual allegation in the CFAS petition addressed to the merits of the Agency's June 22, 1981 notice, no further agency action appears appropriate at this time.

Accordingly, that CFAS request is hereby denied.

(Secs. 103, 119, 124, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1410); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on September 11, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-27212 Filed 9-15-81; 4:12 pm]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 12

#### Disposal of Forfeited or Abandoned Property

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The Service proposes regulations to dispose of property forfeited or abandoned to the United States under the provisions of 50 CFR Part 12. This property, which includes wildlife, plants, vehicles, vessels, aircraft, cargo, guns, nets, traps, and other equipment, would be separated into two types for disposal. All property, except wildlife and plants, would be disposed of under existing Service procedures, which are based on current Federal Property Management Regulations and Interior Property Management Regulations. Wildlife and plants, however, would be disposed of at the discretion of the Director by one of the following means: return to the wild, use by the Service or transfer to another government agency for official use, donation or loan, sale, or destruction.

This action would enable the Service to insure that wildlife and plants are disposed of in accordance with the conservation aims of the statute under which they were obtained while establishing an orderly, cost efficient disposal procedure. This procedure is needed both to eliminate unnecessary expense and overcrowding at government storage facilities and to provide a uniform means of satisfying the variety of possible uses of wildlife and plants which are ready for disposal.

**DATE:** Comments on this proposed rule must be received by October 21, 1981.

**ADDRESSES:** Comments may be mailed to Director (LE), Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, Fish and Wildlife Service, 3rd Floor, 1375 K Street, N.W., Washington, D.C. between

7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 12-02-3. All materials received may also be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

#### SUPPLEMENTARY INFORMATION:

##### Background

The U.S. Fish and Wildlife Service is responsible for enforcing a number of wildlife or plant protection laws. Generally, these laws provide for the forfeiture of wildlife, plants, or other property which is involved in a violation. For example, the Endangered Species Act of 1973 authorizes the forfeiture of unlawfully imported endangered wildlife, wildlife products, and plants (16 U.S.C. 1504(e)(4)(A)). In addition, some of the laws provide for the forfeiture of guns and equipment used in committing a violation (e.g., the Eagle Protection Act, 16 U.S.C. 668(b)) or for the forfeiture of the cargo of any vessel involved in taking wildlife illegally (e.g., the Marine Mammal Protection Act of 1972, 16 U.S.C. 1376(a)).

Wildlife parts, wildlife products, and plants forfeited under these laws have for the most part been stored at Service facilities throughout the United States. Until 1978, there was a patchwork of statutory authority providing for the disposition of forfeited property, usually requiring disposal under the excess and surplus property statutes administered by the General Services Administration (GSA). Property management regulations issued by GSA and the Department were the only rules regarding the methods of disposal. Because most of the property held by the Service was wildlife, almost all of the provisions of both the Federal Property Management Regulations (41 CFR Chapter 101) and Interior Property Management Regulations (41 CFR Chapter 114) were inappropriate for use by the Service. These provisions would have compelled the Service to transfer property to GSA for sale or to allocate property in excess of the Service's needs to other agencies where such action may have been in conflict with existing Service policy.

The Service authority for disposal, however, was consolidated and broadened in 1978 with passage of the Fish and Wildlife Improvement Act of

1978 (FWIA), which states, in relevant part:

(c) *Disposal of Abandoned or Forfeited Property.* Notwithstanding any other provision of law, all fish, wildlife, plants, or any other items abandoned or forfeited to the United States under any laws administered by the Secretary of the Interior or the Secretary of Commerce relating to fish, wildlife, or plants, shall be disposed of by either Secretary in such a manner as he deems appropriate (including, but not limited to, loan, gift, sale or destruction). (16 U.S.C. 742(c) (emphasis added))

The FWIA provides the Service with the authority and flexibility to dispose of forfeited or abandoned property, which now totals several million dollars, without following any existing GSA procedures or being restricted by limitations found in the statute under which the property was seized.

#### Description of the Proposed Regulations

##### Definitions

Three additional terms would be defined: "abandonment," "disposal," and "forfeiture." These definitions provide a demarcation between seizure and disposal which should remove any uncertainty as to when the Service should begin disposal.

##### Disposal

Two types of property are identified in § 12.33 and a disposal procedure is set out for each. One type includes all forfeited or abandoned property, except wildlife and plants, which would be disposed of in accordance with current Federal Property Management Regulations (41 CFR Chapter 101) and Interior Property Management Regulations (41 CFR Chapter 114). Wildlife and plants, the other type, would be disposed of by the Director by one of the following means: return to the wild, use by the Service or transfer to another government agency for official use, donation or loan, sale, or destruction.

Each of the methods of disposing of wildlife and plants is discussed in more detail below. One premise underlies these methods which is stated in § 12.32. The effect of any prior illegality on the subsequent use of wildlife or plants is terminated once they are forfeited or abandoned to the U.S. Prohibitions which rely upon a prior unlawful act, such as the Endangered Species Act's prohibition on the possession of unlawfully taken endangered species, would not apply. Therefore, for example, wildlife that was seized and forfeited or abandoned because it was unlawfully taken would not be subject to prohibitions based on that fact alone.

(i.e., unlawful taking) upon disposal. Simply, forfeiture or abandonment eliminates the taint of any prior illegality.

Upon disposal, however, prohibitions, restrictions, conditions, or requirements imposed by law which apply to a particular species of wildlife or plant would remain in effect.

The order in which the disposal methods appear is the order the Service would follow generally in determining which method has priority. Return to the wild is the most favored and destruction, unless necessary, is the least favored. The other methods are not as sharply distinguished from each other.

1. *Return to the wild (§ 12.34)*. Any live member of a native species of wildlife or plant would be returned to the wild if it is capable of surviving, unless it poses a threat to public health or safety if returned, in which case quarantine or destruction would be the only possible methods of disposal. Quarantine would have to be accomplished in conjunction with one of the other disposal methods identified, such as transfer to another government agency for official use. Any exotic species, a species not naturally occurring in the wild in the United States, would be available for return to the country of export (if known) in accordance with the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Article VIII.4(b) of CITES states in part that "Where a living specimen is confiscated \* \* \* the Management Authority [i.e., Service] shall, after consultation with the State of export, return the specimen to that State at the expense of that State \* \* \*". The mechanism for returning wildlife or plants to the country of export is set out in § 12.35.

Executive Order 11987 (42 FR 26949) entitled "Exotic Organisms" also directs Executive agencies to restrict the introduction of exotic species into natural ecosystems of the United States.

2. *Use by the Service or transfer to another government agency for official use (§ 12.35)*. Wildlife and plants would be used by the Service or other government agencies, including State and foreign agencies, for certain official purposes. This section describes those official uses. Items initially used by the Service for official purposes that are no longer of any use would be disposed of by one of the other methods. In addition to returning wildlife to the country of export for eventual return to the wild, the Service would be able to satisfy other obligations under CITES related to the return of confiscated specimens to

the country of export, for purposes such as the enhancement of propagation or survival, or other scientific, educational, enforcement, or identification purposes.

3. *Donation or loan (§ 12.36)*. The Service would donate or loan wildlife and plants for noncommercial scientific, educational, or public display purposes to any person who demonstrates the ability to provide adequate care and security for the item. A transfer document would be executed between the Director and the donee/borrower, subject to a number of stated conditions. A distinction is drawn between donation and a loan to indicate that a donation involves the transfer of title.

4. *Sale (§ 12.37)*. One of the purposes of the FWIA was to allow the Service to make its own determinations consistent with existing law and policy as to the appropriate method of disposal for a particular species of wildlife or plant, instead of following GSA procedures for the allocation or sale of forfeited or abandoned property. One possible method of disposal identified by the FWIA is sale.

Recently, the Acting Associate Solicitor, Conservation and Wildlife, in an opinion dated March 10, 1981, on the subject "Disposal of Forfeited Endangered and Threatened Species Parts" interpreted the FWIA "as providing the Service with the authority to dispose of any forfeited material by sale, including endangered species products."

The Service's proposal attempts to reach a balance which Congress sought when providing the Service with disposal authority. The Service proposes to sell wildlife or plants which otherwise are lawfully traded by private individuals in interstate commerce, unless existing policy recommends another method of disposal. Therefore, any demand for a particular item also may be met by existing, lawful trade apart from sale by the Service. The Service would not be selling any species for which it would be the only source.

The Service proposes to prohibit disposal by sale of the following wildlife or plants: (1) migratory birds, (2) bald or golden eagles, and (3) CITES Appendix I specimens. Sale of migratory birds and bald or golden eagles would be prohibited because the Service believes that sale is inappropriate when possession and sale of these birds is highly regulated or prohibited by the Migratory Bird Treaty or Eagle Protection Acts in order to conserve them. Disposal of CITES Appendix I specimens was the subject of Resolution 3.14 entitled "Disposal of Confiscated or Accumulated Specimens of Appendix I Species" passed at the third meeting of

the Conference of the Parties. That resolution recommended that Parties to the Convention dispose of Appendix I specimens without selling them. Other recommendations on the disposal of Appendix I specimens found in the resolution have generally been adopted in this proposal as well.

One category of wildlife would be disposed of by sale in very limited circumstances. Species of wildlife or plants listed as "endangered" or "threatened" in 50 CFR 17.11 under the ESA would only be sold if the species may be lawfully traded in interstate commerce. This provision would allow the sale of those few species whose entire population is not listed as endangered or threatened and certain threatened species when the species may be sold lawfully in interstate commerce.

By limiting the categories of wildlife and plants subject to sale, the Service believes that no pressure will be placed on those species which would be harmed by the Service's entry into the market. For those species not harmed by trade, where forfeiture or abandonment was obtained only as a deterrent, and where demand may be satisfied lawfully in interstate commerce, the Service believes that sale is proper.

5. *Destruction (§ 12.38)*. Destruction is available only when no other method of disposal is appropriate. This eliminates costly storage of items not fit for any other means of disposal.

#### Determination of Effects of Rules

The Department of the Interior has determined that this is not a major rule under Executive Order 12291.

The Department has also certified that the rules will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act and 43 CFR Part 14. These determinations are discussed in more detail in a Determinations of Effects which has been prepared by the Service. A copy of that document may be obtained by contacting the person identified above under the caption "For Further Information Contact."

#### National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Suite 300, Washington, D.C., and may be examined during regular business hours. Single copies also are available upon request by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Comments on the draft environmental assessment should be mailed or delivered to the address given at the beginning of this proposal during the comment period on the proposed rule.

#### Public Comments Invited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested persons are invited to submit written comments regarding the proposed rule or the draft environmental assessment. These comments and any additional information received will be considered by the Department in adopting a final rule. Correspondence should be mailed or delivered to the address given at the beginning of this proposal.

#### Proposed Regulation Promulgation

### PART 12—SEIZURE AND FORFEITURE PROCEDURES

For the reason set out in the preamble, Subchapter B, Chapter I of Title 50, *Code of Federal Regulations* is proposed to be amended as follows:

1. The authority citation for Part 12 is revised to read as follows:

Authority: Act of September 6, 1966, 5 U.S.C. 301; Eagle Protection Act, 16 U.S.C. 668-668b; National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd(f); Migratory Bird Treaty Act, 16 U.S.C. 706-707, 712; Migratory Bird Hunting Stamp Act, 16 U.S.C. 718f; Airborne Hunting Act, 16 U.S.C. 742j-1(d)-(f); Black Bass Act, 16 U.S.C. 852d; Marine Mammal Protection Act, 16 U.S.C. 1375-1377, 1382; Endangered Species Act, 16 U.S.C. 1540; Lacey Act, 18 U.S.C. 43-44; Tariff Act of 1930, 19 U.S.C. 1602-1624; Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 742i; Exotic Organisms, E.O. 11987, 42 FR 26949; American Indian Religious Freedom, 42 U.S.C. 1996.

2. The table of contents for Part 12 is amended by adding the following entry in sequence:

#### Subpart D—Disposal of Forfeited or Abandoned Property

Sec.

- 12.30 Purpose.
- 12.31 Accountability.
- 12.32 Effect of prior illegality.
- 12.33 Disposal.
- 12.34 Return to the wild.
- 12.35 Use by the service or transfer to another government agency for official use.
- 12.36 Donation or loan.
- 12.37 Sale.
- 12.38 Destruction.

3. Amend § 12.3(a) by adding the following definitions in alphabetical order:

\* \* \* \*

#### § 12.3 Definitions.

"Abandonment" means a person's surrender of seized property to the Service by, but not limited to, refusing or otherwise avoiding delivery of mail concerning the seizure (as by giving a false name or address), failing for more than 180 days to make or maintain a claim to the property, failing to respond within 120 days of issuance of a notice from the Department concerning the seizure, unless the property is earlier forfeited, or quitclaiming to the United States any interest in the property.

"Disposal" includes, but is not limited to, remission, return to the wild, use by the Service or transfer to another government agency for official use, donation or loan, sale, or destruction.

"Forfeiture" means a person's surrender or relinquishment of any claim to seized property by written agreement, or extinguishment of any person's interest in, and transfer of title to seized property to the United States by court order or by order of the Secretary as authorized by law.

4. A new Subpart D is added to read as follows:

#### Subpart D—Disposal of Forfeited or Abandoned Property

##### § 12.30 Purpose.

Upon forfeiture or abandonment of any property to the United States under this part the Director shall dispose of such property under the provisions of this Subpart D.

##### § 12.31 Accountability.

All property disposed of under this subpart must be accounted for in official records. These records must include the following information:

- (a) A description of the item.
- (b) The date and place of the item's seizure (if any) and forfeiture or abandonment.
- (c) The investigative case file number with which the item was associated.
- (d) The name of any person known to have or to have had an interest in the item.
- (e) The date, place, and manner of the item's disposition.
- (f) Name of the official responsible for the disposal.
- (g) Domestic value of the property.

##### § 12.32 Effect of prior illegality.

The effect of any prior illegality on a subsequent holder of any wildlife or plant disposed of or subject to disposal is terminated upon forfeiture or abandonment, but the prohibitions, restrictions, conditions, or requirements which apply to a particular species of wildlife or plant under the laws or

regulations of the United States or any State, including any applicable health, quarantine, agricultural, or Customs law or regulations remain in effect as to the conduct of such holder.

##### § 12.33 Disposal.

(a) The Director shall dispose of any wildlife or plant forfeited or abandoned under the authority of this part, subject to the restrictions provided in this subpart, by one of the following means, unless the item is earlier remitted, the subject of a petition for remission of forfeiture under § 12.24 of this part, or disposed of by court order:

- (1) Return to the wild;
- (2) Use by the Service or transfer to another government agency for official use;
- (3) Donation or loan;
- (4) Sale; or
- (5) Destruction.

In the exercise of the disposal authority, the Director generally must dispose of any wildlife or plant in the order in which the disposal methods appear in this paragraph (a) of this section.

(b) The Director shall dispose of any property, except wildlife or plants, forfeited or abandoned under the authority of this part, including vehicles, vessels, aircraft, cargo, guns, nets, traps, and other equipment in accordance with current Federal Property Management Regulations (41 CFR Chapter 101) and Interior Property Management Regulations (41 CFR Chapter 114), unless the item is earlier remitted, the subject of a petition for remission of forfeiture under § 12.24 of this part, or disposed of by court order.

(c) The Director may not dispose of property until the time period for receiving a petition for remission under § 12.24 of this part has elapsed. In any case, however, from the date of forfeiture, the following time periods are in effect, unless the property is the subject of a petition for remission of forfeiture:

- (1) Perishable items may be disposed of immediately;
- (2) Live wildlife or plants may be disposed of in 30 days; and
- (3) Property, except perishable items or live wildlife or plants, may be disposed of in 60 days.

##### § 12.34 Return to the wild.

(a) Any live member of a native species of wildlife may be released to the wild in suitable habitat within the United States with the permission of the landowner if it is capable of surviving, unless release poses an imminent danger to public health or safety.

(b) Any live member of a native species of plant may be transplanted in suitable habitat on Federal or other protected lands within the United States with the permission of the appropriate State agency if it is capable of surviving.

(c) Any live member of an exotic species of wildlife (including injurious wildlife) or plant may not be returned to the wild in the U.S., but may be returned to the country of export (if known) after consultation with and the expense of the country of export in accordance with the provisions of § 12.35 of this part.

**§ 12.35 Use by the service or transfer to another government agency for official use.**

(a) Wildlife and plants may be used by the Service or transferred to another government agency (including foreign agencies) for one or more of the following official purposes:

- (1) Training government officials to perform their official duties;
- (2) Identification of protected wildlife or plants, including forensic identification or research;
- (3) Public education concerning the conservation of wildlife or plants;
- (4) Law enforcement operations conducted by government officers in performance of official duties;
- (5) Scientific purposes or for the enhancement of propagation or survival;
- (6) Evidence in a legal proceeding involving the wildlife or plant; or
- (7) Return to the wild in accordance with § 12.34 of this part.

(b) Each transfer and the terms of the transfer must be documented.

(c) The agency receiving the wildlife or plants may be required to bear all costs of care, storage, and transportation in connection with the transfer.

**§ 12.36 Donation or loan.**

(a) Except as otherwise provided in this section, wildlife and plants may be donated or loaned for noncommercial scientific, educational, or public display purposes to any person who demonstrates the ability to provide adequate care and security for the item.

(b) Any donation or loan may be made only after execution of a transfer document between the Director and the donee/borrower, which is subject to the following conditions:

- (1) The purpose for which the wildlife or plants are to be used must be stated on the transfer document;
- (2) Any attempt by the donee/borrower to use the donation or loan for

any other purpose except that stated on the transfer document entitles the Director to immediate repossession of the wildlife or plants;

(3) The donee/borrower must pay all costs associated with the transfer, including the costs of care, storage, transportation, and return to the Service (if applicable);

(4) The donee/borrower may be required to account periodically for the donation or loan;

(5) The donee/borrower is not relieved from the prohibitions, restrictions, conditions, or requirements which may apply to a particular species of wildlife or plant imposed by the laws or regulations of the United States or any State, including any applicable health, quarantine, agricultural, or Customs laws or regulations.

(6) Any attempt by a donee to retransfer the donation during the time period specified in the transfer document within which the donee may not retransfer the donation without the prior authorization of the Director entitles the Director to immediate repossession of the wildlife or plants;

(7) Any attempt by a borrower to retransfer the loan without the prior authorization of the Director entitles the Director to immediate repossession of the wildlife or plants;

(8) Subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to the place where the donation or loan is kept and an opportunity to inspect it;

(9) Any donation is subject to conditions specified in the transfer document, the violation of which causes the property to revert to the United States;

(10) Any loan is for an indefinite period of time unless a date on which the loan must be returned to the Service is stated on the transfer document; and

(11) Any loan remains the property of the United States, and the Director may demand its return at any time.

(c) Wildlife and plants may be donated to individual American Indians for the practice of traditional American Indian religions. Any donation of the parts of bald or golden eagles may only be made to individual American Indians authorized by permit issued in accordance with § 22.22 of this title to possess such items.

(d) Edible wildlife, fit for human

consumption, may be donated to a non-profit, tax-exempt charitable organization for use as food, but not for barter or sale.

**§ 12.37 Sale.**

(a) Wildlife and plants may be sold or offered for sale, except any species which at the time it is to be sold or offered for sale falls into one of the following categories:

(1) Listed in § 10.13 of this title as a migratory bird protected by the Migratory Bird Treaty Act (16 U.S.C. 703-712);

(2) Protected under the Eagle Protection Act (16 U.S.C. 668-668d);

(3) Listed in § 23.33 of this title as "Appendix I" under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

(4) Listed in § 17.11 of this title as "endangered" or "threatened" under the Endangered Species Act of 1973 (16 U.S.C. 1533), unless the species may be lawfully traded in interstate commerce.

(b) Wildlife and plants must be sold in accordance with current Federal Property Management Regulations (41 CFR Chapter 101) and Interior Property Management Regulations (41 CFR Chapter 114).

(c) Wildlife or plants which may not be possessed lawfully by purchasers under the laws of the State where hold may be moved to a State where possession is lawful and may be sold.

(d) Wildlife or plants purchased at sale are subject to the prohibitions, restrictions, conditions, or requirements which apply to a particular species of wildlife or plant imposed by the laws or regulations of the United States or any State, including any applicable health, quarantine, agricultural, or Customs laws or regulations, except as provided by § 12.33 of this part.

**§ 12.38 Destruction.**

(a) Wildlife or plants not otherwise disposed of must be destroyed.

(b) When wildlife or plants are destroyed, the fact, manner, and date of destruction and the type and quantity of wildlife or plants destroyed must be certified by the official actually destroying the items.

Dated: August 19, 1981.

G. Ray Arnett,

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 81-27392 Filed 9-18-81; 8:45 am]

BILLING CODE 4310-55-M

# Notices

Federal Register

Vol. 46, No. 182

Monday, September 21, 1981

This section of the FEDERAL REGISTER contains documents other than rules of proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## CIVIL AERONAUTICS BOARD

[Order 81-9-89]

### Fitness Determination of Princeville Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-89, Order to Show Cause.

**SUMMARY:** The Board is proposing to find that Princeville Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

**DATES:** Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 5, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

**ADDRESSES:** Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-89.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428 (202) 673-5918.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 81-9-89 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-89 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 15, 1981.

Phyllis T. Kaylor,  
*Secretary.*

[FR Doc. 81-27396 Filed 9-18-81; 8:45 am]  
BILLING CODE 6320-01-M

[Order 81-9-86]

### Fitness Determination of Southern Jersey Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-86, order to show cause.

**SUMMARY:** The Board is proposing to find that Southern Jersey Airways, Inc., is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing scheduled air transportation under its existing 401(d)(5) dormant route certificate and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

**DATES:** Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 15, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

**ADDRESSES:** Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-86.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip Reinke, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5405.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 81-9-86 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-86 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 15, 1981.

Phyllis T. Kaylor,  
*Secretary.*

[FR Doc. 81-27396 Filed 9-18-81; 8:45 am]  
BILLING CODE 6320-01-M

[Order 81-9-88]

### Fitness Determination of Walker's Cay Air Terminal, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-88, order to show cause.

**SUMMARY:** The Board is proposing to find that Walker's Cay Air Terminal, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

**DATES:** Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 5, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

**ADDRESSES:** Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-88.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5918.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 81-9-88 is available from the District Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-88 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 15, 1981.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-27397 Filed 9-18-81; 8:45 a.m.]

BILLING CODE 6320-01-M

## COMMISSION ON CIVIL RIGHTS

### District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 4:00 p.m., on October 5, 1981, at the National Housing Center, Board Room, 15th and M Sts. N.W., Washington, DC. The purpose of this meeting is to orient and organize the newly rechartered District of Columbia Advisory Committee to the U.S. Commission on Civil Rights.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Walter E. Washington, 408 T. Street, N.W., Washington, DC 20001, 202/659-3300, or the Mid-Atlantic Regional Office, 2120 L St., NW., Room 510, Washington, D.C. 20037, 202/254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, September 15, 1981.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-27443 Filed 9-18-81; 8:45 am]

BILLING CODE 6335-01-M

### Washington Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:00 p.m., on October 7, 1981, at the Federal Building, 915 Second Avenue, Seattle, WA 98174. The purpose of this meeting is to allow a subcommittee of the State Advisory Committee to review progress and plan future activities in connection with the Advisory Committee's study of the Seafood Processing industry.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Katharine M. Bullitt, 1125 Harvard Ave. S., Seattle, WA

98102, 206/325-6353, or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, 216/442-1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, September 16, 1981.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-27444 Filed 9-18-81; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### Single Audit Concept for Grant Recipients

**AGENCY:** Economic Development Administration, Commerce.

**ACTION:** Implementation of single audit concept required by OMB Circular A-102.

**SUMMARY:** Grant recipients that are State and local governments and Indian tribal governments shall comply with the requirements concerning non-Federal audits in Office of Management and Budget (OMB) Circular A-102, Attachment P, including any amendments to those requirements published in the Federal Register by OMB.

Grant recipients that are not governments shall comply with the requirements concerning non-Federal audits in OMB Circular A-110, including any amendments to those requirements published in the Federal Register by OMB.

**FOR FURTHER INFORMATION CONTACT:** Acting Director, Office of Management and Administration, Economic Development Administration, U.S. Department of Commerce, Room 7816, Washington, D.C. 20230, (202) 377-5353.

Dated: September 15, 1981.

Edward M. Levin,

*Acting Assistant Secretary for Economic Development.*

[FR Doc. 81-27445 Filed 9-18-81; 8:45 am]

BILLING CODE 3510-24-M

### National Oceanic and Atmospheric Administration

#### Gulf of Mexico Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

**SUMMARY:** The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to review status reports on the development of fishery management plans; consider foreign fishing applications, if any, and conduct other fishery management business.

**DATES:** The public meeting will convene on Wednesday, October 7, 1981, at approximately 8:30 a.m., and will adjourn at approximately 5:30 p.m.

**ADDRESS:** The public meeting will take place at the Bay Point Resort, Director's Meeting Room, Panama City, Florida.

**FOR FURTHER INFORMATION CONTACT:** Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: September 16, 1981.

Jack L. Falls,

*Chief, Administrative Support Staff, National Marine Fisheries Service.*

[FR Doc. 81-27404 Filed 9-18-81; 8:45 am]

BILLING CODE 3510-22-M

## COMMODITY FUTURES TRADING COMMISSION

### Chicago Board of Trade: Proposed Amendments Fixing Delivery Differentials for Soybean Oil Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed contract market rule amendment.

**SUMMARY:** The Chicago Board of Trade has submitted amendments to its rules 1108.01 and 1141.02 fixing the delivery differentials for its soybean oil contract at the levels existing on July 30, 1981. Those amendments would make permanent the temporary emergency action taken by the Exchange on July 30, 1981 and extended until October 30, 1981 as authorized by the Commodity Futures Trading Commission ("Commission"), pursuant to Commission regulation 1.41(f). The Commission has determined that the amendments are of major economic significance and that, accordingly, publication of the proposed amendments is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATE:** Comments must be received on or before October 6, 1981.

**ADDRESS:** Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581. Reference should be made to Chicago Board of Trade regulations 1106.01 and 1141.02—Delivery Differentials.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Memoli, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-7303; or Douglass Leslie, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** The Commodity Futures Trading Commission, in accordance with Section 5a(12) of the Commodity Exchange Act, ("Act") 7 U.S.C. 7a(12) (Supp. III 1979), has determined that the proposed amendments to regulations 1106.01 and 1141.02 of the Chicago Board of Trade fixing the delivery differentials at the levels existing on July 30, 1981, for its soybean oil contract are of major economic significance. The reasons given by the Exchange are that frequent changes in the rail freight rates for soybean oil caused corresponding changes in the delivery differentials for delivery points for soybean oil contracts leading to increased uncertainty for those making or taking delivery and that these changes in delivery differentials may not reflect cash market differentials between soybean oil warehouses. A proposed freight rate increase on July 17, 1981 had adversely affected the spread between the August and September 1981 soybean oil futures and led to the Exchange enacting the proposed amendments as temporary emergency rules on July 30, 1981. Since then the Commission has authorized extension of this emergency action until October 30, 1981.

The text of the proposed amendments is printed below, using italics to indicate additions and brackets to indicate deletions:

**1106.01 Price Basis**—All prices of Crude Soybean Oil shall be basis Decatur, Illinois [freight adjustment of New York, N.Y.] in multiples of 1/100th of one cent per pound. Contracts shall not be made on any other price basis. 2005

**1141.02 Billing**—When delivery is made at a point other than Decatur, Illinois, the Seller shall make an adjustment to Buyer by decreasing or increasing the amount due on delivery notice by the difference between carload freight rate that existed on July 30, 1981 from the point of delivery to New York, N.Y., as compared with Decatur, Illinois to

New York. 2016 (See Appendix 11B for delivery differentials.)

Other materials submitted by the Exchange in support of its rule amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 269534 (April 22, 1980)), except to the extent they may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments, or with respect to other materials submitted by the exchange in support of its submission, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581, by [fifteen days after publication]. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 16, 1981.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 81-27395 Filed 9-18-81; 8:45 am]  
BILLING CODE 6351-01-M

### The Petroleum Associates of the New York Cotton Exchange: Proposed Bylaw and Rule Amendments Relating to the Liquefied Propane Gas Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed contract market rules.

**SUMMARY:** The Petroleum Associates of the New York Cotton Exchange ("Exchange") has submitted a proposal to amend the inactive liquefied propane gas futures contract in order to conform this contract more closely to the current spot market in propane. The Commodity Futures Trading Commission ("Commission") has determined that a portion of the proposal is of major economic significance and that, accordingly, publication of those provisions is in the public interest, will assist the Commission in considering the views of interested persons, and is

consistent with the purposes of the Commodity Exchange Act.

**DATE:** Comments must be received on or before October 21, 1981.

**ADDRESS:** Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the Petroleum Associates' Liquefied Propane Gas Futures Contract.

**FOR FURTHER INFORMATION CONTACT:** Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. (202) 254-7303; or Lawrence Dolins, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** The Petroleum Associates of the New York Cotton Exchange is proposing several specific bylaw and rule revisions to its inactive liquefied propane gas futures contract to conform the contract with the current cash market. In particular, the Exchange proposes (1) to decrease the size of the contract's trading unit from 100,000 gallons to 1,000 barrels (42,000 gallons) (amended Bylaw Sections 77 and 79 and Rule 3(g)); (2) to decrease the useful life of a shipping certificate to a maximum of 30 days (amended Rules 1B, 1B.1., 1B.2., 1B.4., and 1B.5.); and (3) to add Group 145, located at Conway, Kansas, as a second delivery location and provide for a locational differential when deliveries are made at Conway instead of Mt. Belvieu, Texas (amended Rules 3C and 2(c)).<sup>1</sup>

In accordance with Section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (Supp. III 1979), the Commission has determined that these provisions submitted by the Petroleum Associates concerning its liquefied propane gas futures contract are of major economic significance. Accordingly, the Petroleum Associates' proposed amendments to Bylaw Sections 77 and 79, and Rules 1B, 1B.1., 1B.2., 1B.4., 1B.5., 2(c), 3(g) and 3C are printed below,

<sup>1</sup> In addition to those by-law and rule changes, the Exchange has also proposed to increase the number of trading months in the contract (amended Rules 5 and 7(1)), establish a uniform delivery date for the shipping certificates (amended Rules 2(h), 3(b) and 3A), increase the daily maximum price limits (amended Rule 14(1)), and establish margin requirements (amended Rule 20(1)). The Commission has determined that these revisions are not of major economic significance pursuant to Section 5a(12) of the Act and consequently is not publishing them.

using italics to indicate additions and brackets to indicate deletions:

Sec. 77 No contract for the future delivery of Liquefied Propane Gas shall be recognized, acknowledged or enforced by the Exchange or any Committee or officer thereof, unless both parties thereto shall be members of the Exchange. Members shall offer their contracts for clearance to the Commodity Clearing Corporation, which, upon acceptance thereof, shall become by substitution a party thereto in place of the member and thereupon such Corporation shall become subject to the obligations thereof and entitled to all of the rights thereunder, assuming to the buyer the position of the seller and to the seller the position of the buyer, provided, however, the said Corporation shall have no liability to the buyer or the seller on any such contract after a notice of delivery thereunder has been issued and stopped.

All contracts for the future delivery of Liquefied Propane Gas shall be in the following form: Petroleum Associates of the [LPG Associates of the] New York Cotton Exchange, Inc., Liquefied Propane Gas Contract, New York, N.Y., —19—

A.B. have this day [ ] sold [ ] and agree to [ ] deliver to [ ] receive from C.D. 1,000 Barrels [100,000 gallons] of Liquefied Propane Gas at the price of — cents per gallon, in accordance with the provisions of the By-Laws, Rules and Regulations of the Petroleum Associates of the New York Cotton Exchange, Inc., deliverable from licensed storage facility in — (point of delivery) on — (delivery date) [between the first and last delivery days of — (point of delivery) inclusive, and the delivery within such time to be at seller's option upon notice to buyer, as provided by the By-Laws, Rules and Regulations of the LPG Associates of the New York Cotton Exchange, Inc.]

Either party may call for a margin, as the variations of the market or like deliveries may warrant which margin shall be kept good.

This contract is made in view of, and in all respects subject to the By-Laws, Rules and Regulations of the Petroleum Associates of the New York Cotton Exchange, Inc.

For and in consideration of one dollar (\$1.00) to the undersigned, in hand paid, receipt whereof is hereby acknowledged, the undersigned accepts this contract with all its obligations and conditions.

Verbal contracts (which shall always be presumed to have been made in the approved form) shall have the same standing, force and effect as written

ones, if notice in writing of such contracts shall have been given by one of the parties thereto to the other during the day on which such contract is made.

Delivery of liquefied Propane Gas on contract may be made at delivery points designated in the rules. The designated delivery points may be added to or subtracted from at the discretion of the Board of Directors after proper notice has been given to the membership.

#### Liquefied Propane Gas Tenderable Against Exchange Contracts

Sec. 79. Every contract for Liquefied Propane Gas bought or sold on the Exchange shall obligate the seller to deliver, and the buyer to receive, a shipping certificate, issued by a facility licensed by the Exchange, providing for the delivery to the holder thereof of 1,000 Barrels of 42 United States gallons [one hundred thousand (100,000) gallons] each of Liquefied Propane Gas meeting the specifications of NGPA-HD-5 (NGPA publication 2140-68, or revisions thereto.)

#### SHIPPING CERTIFICATE

Rule 1B. The following form of Liquefied Propane Gas Shipping Certificate shall be used: Petroleum Associates of the New York Cotton Exchange, Inc. Liquefied propane gas shipping certificate for delivery in satisfaction of contract for 1,000 barrels [100,000 gallons] of propane.

Licensed facility —

Located at —

This is to certify that — (licensed facility), shall deliver within said facility to bearer 1,000 barrels [100,000 gallons] of Liquefied Propane Gas meeting the specifications of NGPA-HD-5 (NGPA publication 2140-68, or revisions thereto), subject to all terms and conditions contained herein, upon the payment of all storage and other charges and the surrender of this shipping certificate in accordance with the By-Laws, Rules and Regulations of the Petroleum Associates of the New York Cotton Exchange, Inc.

#### Terms and Conditions

Charges [in the amount of 12/100th of one cent (12 points) per gallons] have been paid by the seller for the preparation and issuance of this certificate and covering storage for the delivery month.

2. The buyer shall provide the storage facility within five calendar days after receipt of this shipping certificate with instructions respecting the disposition of the product from the facility. [The storage rate to be paid by the buyer is 12/100ths of one cent (12 points) per calendar month commencing on the first

day of the second month succeeding the date of issuance of this certificate.]

4. This shipping certificate expires on the last day of the delivery month in which it was delivered in accordance with the delivery rules of the Petroleum Associates of the New York Cotton Exchange, Inc. [July 31st following the date of its signing. In the event of a failure of the holder of this certificate to exercise its privileges on or before its expiration date, the undersigned reserves the right to sell or dispose of the propane hereunder and claims a lien against the propane or against the person entitled under this document or on the proceeds thereof in his possession for charges for storage, transportation, loading, handling (including the demurrage and terminal charges), labor, or charges present or future in relation to the goods and for expenses necessary for the preservation of the goods or reasonably incurred in their sale pursuant to law.]

5. In the event of a failure of the holder of this certificate to exercise its privileges on or before its expiration date, the undersigned reserves the right to sell or dispose of the propane hereunder and claims a lien against the propane or against the person entitled under this document or on the proceeds thereof in his possession for charges for storage, transportation, loading, handling (including the demurrage and terminal charges), labor or charges present or future in relation to the goods and for expenses necessary for the preservation of the goods or reasonably incurred in their sale pursuant to law. Liability. The licensed facility assumes no liability for damages for loss of or injury to the goods which could not have been avoided by the exercise of such care in regard to the goods as a reasonably careful man would exercise under like circumstances.

Rule 2(c). Deliveries made at the "Group 145" delivery point shall require a deliverer to make an allowance to the receiver equal to the tariff charge per gallon as published by the common carrier for the transportation of Liquefied Propane Gas between Conway, Kansas and Mont Belvieu, Texas. [When Liquefied Propane Gas is delivered on and after the first day of the second month succeeding the date of issuance of the shipping certificate, storage and other charges, if any, shall be paid up to and including the day of delivery or proper allowance therefore made in the deliverer's invoice.]

Rule 3(g). Every Delivery Notice for Liquefied Propane Gas shall be for the delivery of 1,000 Barrels [100,000 gallons] of Liquefied Propane Gas

meeting the specifications of NGPA-HD-5 (NGPA PUBLICATION 2140-68, or revisions thereto), showing the deliverer's invoice number and the storage facility from which the Liquefied Propane Gas will be delivered. The Notice shall be in the following form:

*Petroleum Associates of the [LPG Associates of the], New York Cotton Exchange, Inc.; notice of delivery for liquefied propane gas contract.*

Invoice No. \_\_\_\_\_,

New York \_\_\_\_\_,

C/H No. \_\_\_\_\_,

To: \_\_\_\_\_.

Please take notice that on \_\_\_\_\_ in accordance with and subject to the By-Laws and Rules of the Petroleum Associates of the New York Cotton Exchange, Inc., we shall deliver to you a shipping certificate issued by the following licensed facility \_\_\_\_\_ providing for the delivery of 1,000 Barrels [100,000 gallons] of Liquefied Propane Gas meeting the specifications of NGPA-HD-5 (NGPA PUBLICATION 2140-62, effective January 1, 1968, or revisions thereto) at the Notice price of —¢ per gallon.

Signed \_\_\_\_\_,

Per \_\_\_\_\_,

New York \_\_\_\_\_.

Rule 3C. The areas known as Mont Belvieu in Chambers County, Texas and "Group 145" in Conway and Hutchinson area of Kansas are designated as points of delivery of Liquefied Propane Gas. [Area . . . is designated as the point for delivery of Liquefied Propane Gas.]

Other materials submitted by the Petroleum Associates in support of the proposed bylaw and rule amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953-4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by October 21, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 16, 1981.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 81-27394 Filed 9-18-81; 8:45 am]

BILLING CODE 6351-01-M

# **Minneapolis Grain Exchange: Proposed Amendments to Existing Locational Discount for the Sunflower Seed Contract**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed contract market rule amendment.

**SUMMARY:** The Minneapolis Grain Exchange ("MGE") has submitted an amendment to its Sunflower Seed futures contract which would change the discount to be applied on deliveries from elevators located in Minneapolis or St. Paul, Minnesota, switching district. The amendment would increase the locational discount from \$.20 per hundredweight to \$.70 per hundredweight. The Commodity Futures Trading Commission ("Commission") has determined that the amendment is of major economic significance and that, accordingly, publication of the proposed amendment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act, as amended. **DATE:** Comments must be received on or before October 21, 1981.

**ADDRESS:** Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Reference should be made to MGE Rule 1003—Locational Differential.

## **FOR FURTHER INFORMATION CONTACT:**

Robert Clark, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., (202) 254-7307; or De'Ana J. Hamilton, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581, (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act, ("Act") 7 U.S.C. section 7a(12) (Supp. III 1979), has determined that the proposed amendment to rule 1003 of the Minneapolis Grain Exchange increasing the locational discount in its Sunflower Seed futures contract is of major economic significance. The reasons given for the proposed increase are

twofold. First, members believe that the \$.20 per hundredweight differential is too narrow, thus discouraging potential users—including overseas buyers—from hedging in the Minneapolis market. MGE is also concerned about Minneapolis processors left holding Minneapolis warehouse receipts having unrealistically high economic value. Second, adding to the economic disparity, the freight rate on sunflower seeds from Minneapolis to Duluth has increased by approximately \$.20 per hundredweight. Therefore, the proposed increase in the locational discount could affect the pricing and hedging characteristics of the contract.

The text of the proposed amendment is printed below, using italics to indicate additions and brackets to indicate deletions:

## **Rule 1003—Contract and Other Deliverable Grades**

\* \* \* \* \*

Provided further, that sunflower seeds "In Store" in elevators located in Minneapolis or St. Paul, Minnesota, switching district shall be deliverable at a discount of *seventy cents (70¢)* [twenty cents (20¢)] per hundredweight and sunflower seeds "In Store" in elevators located in Duluth, Minnesota or Superior, Wisconsin, shall be delivered at par.

\* \* \* \* \*

Other materials submitted by the MGE in support of its rule amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953-4 (April 22, 1980)), except to the extent they may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments, or with respect to other materials submitted by the MGE in support of its submission, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by October 21, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 15, 1981.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 81-27311 Filed 9-18-81; 8:45 am]

BILLING CODE 6351-01-M

### New York Mercantile Exchange's Proposed Gasoline Futures Contracts

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of availability of proposed commodity futures contracts.

**SUMMARY:** The New York Mercantile Exchange ("NYME") has applied for designation as a contract market in both leaded regular gasoline and unleaded regular gasoline (Gulf Coast). The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, announcing the availability of these proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATE:** Comments must be received on or before October 21, 1981.

**ADDRESS:** Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the NYME Gulf Coast Gasoline Futures Contracts.

**FOR FURTHER INFORMATION CONTACT:** Robert Clark, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. (202) 254-7303; or George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581, (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** A copy of the terms and conditions of NYME's proposed Gulf Coast gasoline futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by NYME in support of its application for contract market designation may be available upon request pursuant to the Freedom of

Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953-4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by NYME in support of its application should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by October 21, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 15, 1981.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 81-27310 Filed 9-18-81; 8:45 am]

BILLING CODE 6351-01-M

### COMMUNITY SERVICES ADMINISTRATION

#### Senior Executive Service Bonuses

**AGENCY:** Community Services Administration.

**ACTION:** Agency's schedule for awarding bonuses to its members of the Senior Executive Service as indicated in OPM memorandum of July 21, 1980.

**SUMMARY:** The Agency plans to award bonuses to not more than three (3) of its career Senior Executives for the SES performance appraisal year terminating August 31, 1981.

**FOR FURTHER INFORMATION CONTACT:** Roger Davis (202)254-6170.

Dwight A. Ink,

Director.

[FR Doc. 81-27399 Filed 9-18-81; 8:45 am]

BILLING CODE 6315-01-M

#### Waiver of Non-Federal Share Requirements for North Carolina Senior Citizens Federation

**AGENCY:** Community Services Administration.

**ACTION:** Notice of non-Federal share waiver.

**SUMMARY:** The Community Services Administration is filing a Notice of

Waiver of Non-Federal Share requirements for the North Carolina Senior Citizens Federation with regard to FY 79, FY 80 and FY 81 funds. The waiver is based on the nature of the services provided by the grantee, the specialization function of the grantee and the fact that such services and functions are not the kind that lend themselves to generation of non-Federal share.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sharon A. Cole, (404) 221-3802.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942; Sec. 225(c) [U.S.C. 2812].

Dwight A. Ink,

Director.

1. *Purpose.* This notice is issued to inform the public of a waiver of non-Federal share requirement for the North Carolina Senior Citizens Federation and the criteria on which the waiver is based.

2. *Background.* Section 225(c) of the Economic Opportunity Act of 1964, as amended, authorizes the Director to waive the non-Federal share matching requirements where he/she determines the waiver would further the purposes of the EOA. Title II of the EOA provides financial assistance for the purposes of enhancing community capabilities to achieve self-sufficiency for poor community residents. From time to time, the imposition of a matching share requirements for a grant inhibits essential projects that otherwise further this mission. This is true particularly of projects that provide technical assistance and training for community-based organizations. In these situations the grantee may lack the ability to generate the non-Federal match, either in-kind or cash, because the grantee is specialized in functions and lacks the financial and constituent base that would normally provide such a contribution. The Director has determined that when a grantee is unable to meet non-Federal share requirements for the reasons stated above such grantee may be eligible for waiver of such non-Federal share.

3. *Waiver.* North Carolina Senior Citizens Federation (NCSCF) is a CSA grantee funded to provide supportive assistance as well as coordinate and disseminate information on aging to all community action agencies in Region IV and additionally to all Area Agencies on Aging in Region IV. As such, NCSCF is unable to generate sufficient non-Federal match either in-kind or cash because it is specialized in functions and lacks the financial and constituent base that normally would provide such a contribution. The Director has

concluded that NCSCF meets the criteria for waiving the non-Federal share requirement pursuant to his authority, under Section 225(c) of the EOA and hereby reduces the requirements to 8% with regard to NCSCF's FY '79, FY '80, and FY '81 CSA grants.

[FR Doc. 81-27307 Filed 9-18-81; 8:45 am]  
BILLING CODE 6315-01-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Medical Research and Development; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92-463), announcement is made of the following Subcommittee meeting: NAME OF COMMITTEE: United States Army Medical Research and Development Advisory Panel Subcommittee on Pharmacology.

DATE OF MEETING: October 28, 1981.

TIME & PLACE: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, D.C.

PROPOSED AGENDA: this meeting will be open to the public on October 28, 1981 from 0830-1330 hrs to discuss the scientific research program of the Pharmacology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1330-1730 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,  
Colonel, MC, Deputy Commander.

[FR Doc. 81-27458 Filed 9-18-81; 8:45 am]  
BILLING CODE 3710-08-M

## DEPARTMENT OF ENERGY

Availability of the Draft Environmental Impact Statement, 300 kV International Transmission Line, Erie, Pennsylvania to Nanticoke, Ontario, Canada

AGENCY: Department of Energy.

**ACTION:** Notice of Availability of the Draft Environmental Impact Statement, DOE/EIS-0079, 300 kV International Transmission Line, Erie, Pennsylvania to Nanticoke, Ontario, Canada.

**SUMMARY:** DOE has been asked to grant a Presidential Permit for the construction, connection, operation and maintenance of high-voltage direct-current (HVDC) transmission cables extending from the Nanticoke Generating Station in Ontario, Canada, under Lake Erie to the Pennsylvania shore, a distance of approximately 100 kilometers (62 miles). Transmission would continue via an overhead transmission line that would run parallel to an existing transmission route for a distance of approximately 9.6 kilometers (6 miles). At that point the dc transmission line would feed into a proposed ac/dc conversion station to be located adjacent to the existing Erie West Substation. The proposed transmission line will interconnect the General Public Utilities (GPU) with Ontario Hydro (OH) for the purpose of providing firm purchase of 1,000 MW by GPU from OH during the 1985 through 1994 period. The DEIS points out the potential temporary disruption of the aquatic and terrestrial environs and cultural resources in the proximity of the facility.

**DATES:** To ensure consideration in preparing the final environmental impact statement written comments should be received at DOE no later than 45 days after September 18, 1981.

**ADDRESSES:** Copies of the DEIS may be obtained from and written comments on the DEIS should be addressed to: Department of Energy, Attention: Mr. Garett Bornstein, Office of Emergency Operations, 2000 M Street, N.W., Room 4209, Washington, D.C. 20461, (202) 653-3889.

**FOR FURTHER INFORMATION CONTACT:** You may contact Mr. Garett Bornstein, or:

Ms. Linda Desell, Office of Environment, NEPA Affairs Division, Department of Energy, Room 4G057, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6374

Ms. Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 5E064, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 262-2900

**SUPPLEMENTARY INFORMATION:** General Public Utilities (GPU) filed an application with the Department of Energy on June 25, 1980, for a Presidential Permit pursuant to

Executive Order 10485, as amended, to construct, connect, operate and maintain a 300 kV transmission facility across the United States/Canada border to interconnect with the electric power system of Ontario Hydro (OH).

The DOE considers the issuance of the subject Presidential Permit to be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA). Therefore, the preparation of an Environmental Impact Statement (EIS) is required in accordance with 40 CFR 1502.3 *et seq.*

The DOE published a notice of intent (45 FR 57521) on August 28, 1980, regarding the preparation of a draft EIS (DEIS) on the proposed international interconnection. A public meeting was held by the DOE on September 30, 1980, to obtain information from all interested parties regarding the scope of the environmental impacts.

The DEIS addresses the potential environmental impact of the construction and operation of the 300 kV transmission facility.

The range of alternatives addressed in the DEIS includes enhancement of conservation and use of decentralized energy sources, purchase of additional power from U.S. sources, and construction of additional generating capacity. These actions constitute the "no action alternative." In addition, alternative transmission corridors are discussed.

#### Comment Procedures

Copies of the DEIS have been distributed to Federal, state and local agencies, organizations and to individuals known to be interested in the proposed transmission facility. Additional copies may be obtained from the Office of Emergency Operation, 2000 M Street, N.W., Room 4209, Washington, D.C. 20461. Phone (202) 653-3889.

Copies of the DEIS are available for public inspection at the following locations:

Erie City/County Library, Attention: Mr. Alan Waldinger, 3 South Perry Square, Erie, Pennsylvania 16501  
Albion Area Public Library, Attention: Mrs. Walter Fuller, East Pearl Street, Albion, Pennsylvania 16401  
Wilcox Library, 8 East Street, Girard, Pennsylvania 16417  
Newark Public Library, Attention: Mr. Thomas J. Alrutz, Director, P.O. Box 630, Newark, New Jersey 07101  
Free Public Library, Attention: Mr. Harold W. Thompson, Jr., 120 Academy Street, Trenton, New Jersey 08608

GPU Service Corporation, Attention: Mr. Edmund Newton, Jr., Vice President, P.O. Box 1018, Reading, Pennsylvania 19603

GPU Service Corporation, Attention: Miss Helen M. Graydon, Secretary, 100 Interpace Parkway, Parsippany, New Jersey 07054

Mr. Dennis Baldassari, Secretary, Jersey Central Power & Light Company, Madison Avenue and Punchbowl Road, Morristown, New Jersey 07960

Mr. John W. Bonarrigo, Assistant Secretary, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907

Mr. G. W. Smith, District Manager, Pennsylvania Electric Company, P.O. Box 127, Girard, Pennsylvania 16417

Mr. R. P. Martin, Jr., Erie Division Manager, Pennsylvania Electric Company, 5404 Evans Road, Erie, Pennsylvania 16558

#### Written Comments

Interested parties are invited to provide written comments on the DEIS to Mr. Garët Bornstein, Office of Emergency Operations, 2000 M Street, N.W., Room 4209, Washington, D.C. 20461. Comments should be identified on the outside of the envelope with the designation "Draft EIS on the Lake Erie International Interconnection". In order to insure consideration in preparing the final statement, all comments and related information should be received by the DOE by November 9, 1981.

Any information or data considered to be confidential must be so identified and accompanied by a written Statement of Confidentiality. Any material not accompanied by a Statement of Confidentiality will be considered to be non-confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determinaton.

Issued in Washington, D.C., August 26, 1981.

Barton R. House,  
*Acting Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.*

[FR Doc. 81-27298 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-01-M

#### Economic Regulatory Administration

##### Atlantic Richfield Co.; Proposed Remedial Order and Opportunity for Objection

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Proposed remedial order to Atlantic Richfield Company and opportunity for objection.

#### I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives notice that a Proposed Remedial Order (PRO) was issued on August 20, 1981 to Atlantic Richfield Company (ARCO), 515 South Flower Street, Los Angeles, California 90017, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 within 15 days after the date of publication of this notice.

#### II. The Proposed Remedial Order

ARCO is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to the DOE regulations. By this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning ARCO's calculation and reporting of cost increases for purchased products under the refiner price rules in 10 CFR Part 212, Subpart E, between August 1973 and November 1976. ARCO is charged with overstating its increased costs of purchased gasoline by approximately \$7 million and with overstating its increased costs of purchased lubes and greases by approximately \$564,524 in violation of 10 CFR 212.82, 212.83 and 212.126(b).

Specifically, § 212.82 allowed a refiner to recover only those increases in costs which had been incurred by the refiner. In addition, § 212.83 required a refiner to include the total costs and the total quantities of a covered product for which cost increases were being calculated. ARCO improperly included its May 1973 costs and volumes of ARCONOL, a component of gasoline purchased by ARCO, in its calculations for increased costs of ARCONOL and again in its calculations for increased costs of purchased gasoline. ARCO thereby included more than total costs and quantities of gasoline in its gasoline calculations and reported more increases in costs than had been incurred. ARCO also improperly excluded cost and quantities of lubes and greases purchased by ARCO in May 1973 in Puerto Rico from its calculations of increased cost of lubes and greases. Because cost increases are measured by comparing current reporting month costs and volumes against May 1973 costs and volumes, total cost and quantities of lubes and greases were not reflected in ARCO's calculations and ARCO reported more cost increases than had been incurred.

As a remedy, ARCO is directed to recompute its increased costs of

purchased gasoline and lubes and greases for all applicable months of measurement utilizing all allowable May 1973 costs and quantities of these products.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information, Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C. 20850.

#### III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals within fifteen (15) days after the date of this publication. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

The Notice must be filed in duplicate. In addition, a copy of the Notice must, on the same day as filed, be served on ARCO and on each of the following persons, pursuant to 10 CFR 205.193(c): Raymond Gong, Chief Counsel, Pacific District Office of Special Counsel, Department of Energy, 333 Market Street, San Francisco, California 94105; Solicitor, Office of Special Counsel, Department of Energy, Federal Building, Room 4111, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C. September 10, 1981.

Avrom Landesman,  
*Acting Director, Office of Special Counsel.*

[FR Doc. 81-27308 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC81-22; OFC Case No. 53012-1864-01-12]

##### University of Michigan; Acceptance of Petition for Exemption

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** On July 29, 1981, University of Michigan (Michigan) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting one new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Michigan is seeking a permanent exemption to burn natural gas or petroleum in a new boiler to be installed at its Ann Arbor, Michigan, campus. Eligibility and evidentiary requirements governing the requested exemption based on either a site limitation or lack of alternate fuel at cost which does not substantially exceed the cost of using imported petroleum, authorized under section 212(a) of FUA, are set forth at 10 CFR 503.33 and 503.32 respectively. ERA's decision in this proceeding will determine whether Michigan will be granted the requested permanent exemptions to use petroleum or natural gas.

ERA has determined that Michigan's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). A review of Michigan's petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments on Michigan's petition and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

**DATES:** Written comments on the acceptance of Michigan's petition for exemption are due on or before November 5, 1981. Any request for public hearing must also be made within the same 45-day period.

**ADDRESSES:** Fifteen copies of written comments or a request for a public

hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW Washington, D.C. 20461.

Docket Number ERA-FC-81-22 should be printed on the outside of the envelope and on the document contained therein.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653-4477

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653-4228

Douglas Mitchell, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW, Washington, D.C. 20585, Phone (202) 252-2967.

**SUPPLEMENTARY INFORMATION:** The MFBI for which the petition for exemption has been filed will be a field-erected boiler to be constructed at Michigan's Central Power Plant, Central Campus, in Ann Arbor, Michigan. The unit, designated Boiler No. 2, is to be designed to product 220,000 pounds of steam per hour. The proposed fuels selected for the boiler are natural gas and petroleum. In conjunction with the new boiler, Michigan proposes to install a new turbine generator to produce electricity for the University's electrical grid.

To qualify for the permanent site limitation exemption, Michigan must demonstrate that a specific physical limitation relevant to the location or operation of the proposed facility exists which, despite good faith efforts, cannot reasonably be expected to be overcome within five years after commencement of operation.

Similarly, a petitioner for a permanent cost exemption under 10 CFR 503.32 must demonstrate:

1. A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit; and

2. The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of

the proposed unit as defined in 10 CFR 503.6 (Cost Calculation).

In addressing the evidentiary requirements for each requested exemption, Michigan asserts that:

1. In the case of the site limitation exemption, pursuant to 10 CFR 503.33;

- a. Despite good faith efforts, on-site physical limitations, which cannot be overcome, exist regarding coal storage and handling, as well as waste disposal and handling.

- b. The remote storage of coal would cause a highway traffic nuisance and possible safety problems, and

- c. The aesthetic preservation of the surrounding area which includes, within 1,000 feet, the University of Michigan Medical Center, and the site of the Medical Center's new 1.25 million square foot hospital expansion, cannot be overcome. It is for this hospital addition that the increased steam demand is required.

2. Evidence in support of a lack of alternate fuel at a cost which does not substantially exceed the cost of imported petroleum exemption, pursuant to 10 CFR 503.32, includes the assertion, with supporting data and calculation that, applying the cost calculations at CFR 503.6, the total life cycle costs calculated over the 40 year life of the facility are:

- a. Using Imported Petroleum—\$38,922,948

- b. Using an Alternate Fuel (Coal)—\$40,494,384.

Additional evidence concerning the use of mixtures, fuel search and environmental impact analysis was submitted by Michigan.

ERA hereby gives notice that Michigan's petition for permanent exemption based on site limitation or cost for its Boiler No. 2 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW, Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on September 14, 1981.

Robert L. Davies,  
Director, Office of Fuels Conversion,  
Economic Regulatory Administration.

[FR Doc. 81-27309 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. ES81-81-000]

### Boston Edison Co., et al.; Application

September 14, 1981.

Take notice that on August 31, 1981, Boston Edison Company, The United Illuminating Company, Cambridge Electric Light Company, Central Vermont Public Service Corporation, and Central Maine Power Company (Applicants) filed an application seeking authority pursuant to Sections 203 and 204 of the Federal Power Act with respect to the guarantee or acquisition of portions of proposed issues of notes and debentures of Connecticut Yankee Atomic Power Company ("Connecticut Yankee").

Connecticut Yankee proposes to issue up to \$50,000,000 of notes (the "Notes") to Banks under a revolving credit arrangement and the Notes are to be guaranteed by its sponsors, including the Applicants. As an alternative to providing such guarantees, sponsors may elect to acquire their pro rata shares of the Notes. Accordingly, Boston Edison Company, The United Illuminating Company, Cambridge Electric Light Company, and Central Vermont Public Service Corporation each seek authority to acquire a portion of the Notes equal to its respective percentage of ownership of Connecticut Yankee. Such percentages and the maximum amounts of Notes which the Applicants may elect to purchase are as follows:

	Ownership (percent)	Maximum amount
Boston Edison Company.....	9.5	\$4,750,000
The United Illuminating Company.....	9.5	4,750,000
Cambridge Electric Light Company.....	4.5	2,250,000
Central Vermont Public Service Corporation.....	2.0	1,000,000
		12,750,000

Cambridge Electric Light Company proposes to purchase its percentage (4.5%) or \$2,250,000 of an issue of \$50,000,000 of debentures to be issued by Connecticut Yankee. The \$50,000,000 of debentures will bear interest at the rate of 17 percent per annum and will

mature approximately 15 years after their initial issue.

Central Maine Power Company seeks authority to guarantee a portion (6%) of the Notes and a portion (6.2827%) of the \$47,750,000 of debentures which are to be sold by Connecticut Yankee institutional investors.

The net proceeds from the issue of the Notes and debentures will be used to finance Connecticut Yankee's capital requirements and to repay borrowings.

Copies of this filing have been served on the Connecticut Department of Public Utility Control, the Massachusetts Department of Public Utilities, the Vermont Public Service Board, the New Hampshire Public Utilities Commission, the Maine Department of Public Utility Regulation, and the Rhode Island Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before September 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27321 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4939-000]

### Brownville Power Co.; Application for Preliminary Permit

September 14, 1981.

Take notice that Brownville Power Company (Applicant) filed on June 22, 1981, and revised on July 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4939 to be known as the Brownville Hydroelectric Power Project located on the Black River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H. Wasserlein, Division General Manager, C/O Boise Cascade Corporation, Specialty Paperboard Division, P.O. Box 498, Brattleboro, Vermont 05301.

**Project Description**—The proposed run-of-river project would consist of: (1) a 178-foot long 23-foot high concrete gravity overflow type dam (to replace an existing breached log crib dam owned in part by Boise Cascade Corporation and in part by Premold Corporation) with spillway crest elevation 283 feet m.s.l.; (2) a reservoir having a surface area of 25.3 acres and a storage capacity of 29.8 acre-feet; (3) a left bank development comprising: (a) an intake structure; (b) a 12-foot diameter 200-foot long steel penstock; (c) a generating unit having a rated capacity of 4,000-kW (to be located in the existing Boise building); and (d) a 120-foot long tailrace; (4) a right bank development comprising: (a) a 12-foot diameter 5-foot long penstock; (b) an integral powerhouse containing a generating unit having a rated capacity of 4,000 kW; and (c) a 60-foot long tailrace; (5) two short underground 4,160-volt transmission lines; and (6) appurtenant facilities. Project energy would be sold to Niagara Mohawk Power Corporation or to Boise Cascade Corporation. Applicant estimates that the average annual energy output would be 35,000 MWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would finalize the technical and economic feasibilities and the environmental impacts, prepare maps and engineering data, develop a conceptual design and cost estimate and proceed with a detailed design. Applicant estimates the cost of the work under the permit would be \$100,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981 either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the

requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27322 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-486-000]

**Consolidated System LNG Co.;  
Application**

Take notice that on August 26, 1981, Consolidated System LNG Company (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-486-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for a term ending October 31, 1981, authorizing the transportation of natural gas in interstate commerce for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In accordance with a transportation agreement, Applicant proposes to receive up to 100,000 dekatherms (dt) equivalent of natural gas per day from

Columbia Gas Transmission Corporation at an existing interconnection near Loudoun, Virginia, for transportation and delivery to Texas Eastern Transmission Corporation at existing interconnections near Chambersburg and Perulack, Pennsylvania, all for the account of Con Ed. It is stated that the transportation agreement provides for a rate of 14.0 cents per dt equivalent for each dt equivalent transported from the Loudoun Interconnection to the Perulack Interconnection or an equivalent rate per 100 Mcf-miles for all quantities delivered at the Chambersburg Interconnection calculated by using methods set forth at Exhibit P to the application in Docket No. CP80-510. Applicant submits that the term of the agreement is from the date of execution until October 31, 1981. Applicant also avers that service would be provided on an interruptible basis.

Applicant proposes to credit the revenues received in performing the proposed transportation service to the minimum bills which it renders to its affiliate, Consolidated Gas Supply Corporation (Supply Corporation) in accordance with its FERC Gas Tariff.

Applicant asserts that it has the pipeline capacity to render the proposed transportation service and the performance thereof would serve to reduce the costs incurred by Supply Corporation and, in turn, its customers. It is indicated that the subject gas would be used by Con Ed for electric power generation.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27322 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5112-000].

**Homestake Consulting & Investments,  
Inc.; Application for Preliminary Permit**  
September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5112 known as the Falls Creek Water Power Project located on Falls Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers Inc., P. O. Box 1467, Noxon, Montana 59853.

**Project Description**—The project would consist of: (1) a 2-foot high diversion structure; (2) a 2,750-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) a 2,900-foot long, 5-kV transmission line which would connect the powerhouse to the existing Washington Water Power Company transmission line. The Applicant estimates that the average annual energy production would be 490,600 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$3,350.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27324 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-86-M

[Project No. 5104-000]

**Homestake Consulting & Investments, Inc.; Application for Preliminary Permit**

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5104 known as the Ruby Creek Water Power Project located on Ruby Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

**Project Description**—The project would consist of: (1) a 2-foot high diversion structure; (2) a 4,200-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 300 kW; and (4) a 1,500-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 1,296,500 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$3,750.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 16, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27325 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5113]

**Homestake Consulting & Investments, Inc.; Application for Preliminary Permit**

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5113 to be known as the Canyon Creek Water Power Project located on Canyon Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the

Applicant should be directed to: Mr. Williams H. Delp, II, Independent Power Developers, Inc., P.O. Box 1476, Noxon, Montana 59853.

**Project Description**—The project would consist of: (1) a 2-foot high diversion structure; (2) a 3,100-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 75 kW; and (4) a 1,700-foot long, 5-kV transmission line which would connect the powerhouse to the existing Washington Water Power Company Transmission line. The Applicant estimates that the average annual energy production would be 289,000 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$3,150.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application.

Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 16, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27326 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-80-000]

#### Idaho Power Co.; Application

September 14, 1981.

Take notice that on August 31, 1981, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine, and qualified to transact business in the states of Idaho, Montana, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an Application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an Order authorizing the issuance of up to 500,000 shares of its Common Stock, par value of \$5 per share, pursuant to the Applicant's Employee Savings Plan.

Any person desiring to be heard or to make any protest with reference to said Application, should, on or before September 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27327 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-267-000 and ER81-341-000]

#### Kentucky Utilities Co.; Application

September 14, 1981.

Take notice that on August 21, 1981, the Kentucky Utilities Company filed with the Commission proposed revisions to its contract for service to the City of Paris, Kentucky providing for increased rates for that service. According to the Company, the filing is made in response to the Commission's decision in Opinion Nos. 116 and 116-A which rejected the peak responsibility method kW load used for the purpose of allocating transmission costs for its service to the City of Paris, Kentucky.

Any person desiring to be heard or to protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27328 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5121-000]

#### Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

September 14, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on July 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5121 known as the Dinkey Creek—Cow Creek Project located on Dinkey and Cow Creeks in Fresno County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: H. L. Childers, President, Mac Hydro-Power Company, Inc.; 2515 Grass Valley Highway, Auburn, California 95603.

**Project Description**—The proposed project would consist of: (1) a 5-foot high dam on Dinkey Creek; (2) a 5-foot high dam on Cow Creek; (3) a 4,500-foot long diversion conduit extending from Cow Creek to Dinkey Creek; (4) a 4,500-foot long and 36-inch diameter penstock; (5) a powerhouse with a total installed capacity of 3,850 kW; and (6) a 1,500-foot long 12.5-kV transmission line. The Applicant estimates that the average

annual energy produced by the project would be 34 million kWh.

**Proposed Scope of Studies Under Permit A**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be \$40,000–\$60,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions to Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch,

Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27329 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

#### [Docket No. CP81-338-001]

#### Northwest Canadian Gas Sales Co.; Petition To Amend

September 10, 1981.

Take notice that on August 31, 1981, Northwest Canadian Gas Sales Company (Petitioner), 131 East South Temple, Salt Lake City, Utah 84111, filed in Docket No. CP81-388-001 a petition pursuant to Section 3 of the Natural Gas Act to amend the order issued January 11, 1980, as amended, in Docket No. CP78-123, *et al.*, so as to authorize Petitioner to pay \$4.94 (U.S.) per Mcf for natural gas imported from Canada from its supplier, Pan-Alberta Gas Ltd. (Pan-Alberta), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is submitted that by orders issued January 11, April 28, June 13 and June 20, 1980, in Docket No. CP78-123, *et al.* Petitioner was authorized to import up to 300,000 Mcf of natural gas per day into the United States from Canada through existing facilities of Pacific Gas Transmission Company. Such gas, it is further submitted, would be purchased from Pan-Alberta and imported at the Kingsgate, British Columbia, import point.

Petitioner states that it was also authorized to import such gas at the border price of \$4.47 (U.S.) per Mcf. Pursuant to an agreement with Pan-Alberta dated March 9, 1978, Petitioner proposes to import natural gas at the Kingsgate import point at a price of \$4.94 (U.S.) effective October 1, 1981, as ordered by the National Energy Board of Canada.

It is asserted that such authorization would allow Petitioner to begin early deliveries of Canadian gas to U.S. consumers through the early constructed Western Leg segment of the Alaskan Natural Gas Transportation System on October 1, 1981.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 21, 1981, file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27330 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

#### [Project No. 5118-000]

#### Glenn M. Phillips; Application for Preliminary Permit

September 14, 1981.

Take notice that Glenn M. Phillips (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5118 to be known as the Big Sheep Creek Power Project located on Big Sheep Creek in Stevens County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Tom R. Childs, Childs and Associates, P.O. Box 2217, Bellingham, Washington 98227.

**Project Description**—The proposed project would consist of: (1) a concrete diversion structure; (2) a 20-foot wide, 5-foot deep, and 475-foot long canal; (3) a 640-foot long, 54-inch diameter penstock; (4) a power house with an installed capacity of 3,000 kW; and (5) a 900-foot long transmission line interconnecting with an existing Washington Water Power Company transmission line. The average annual energy generation is estimated to be 10.87 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be \$225,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27331 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4900-000]

**Lawrence R. Taft; Application for Preliminary Permit**

September 14, 1981.

Take notice that Lawrence R. Taft (Applicant) filed on June 18, 1981, and revised on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(f)] for Project No. 4900 to be known as the Woods Falls Project located on the Black River in the Town of Forestport, Oneida County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Daverman & Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

**Project Description**—The proposed project would utilize existing facilities owned by the State of New York, Department of Transportation, Division of Canals, consisting of: (1) a 300-foot long and 16-foot high concrete-gravity overflow-type dam having crest elevation 1129.0 m.s.l.; (2) a reservoir (Forestport) having a surface area of 75 acres and a storage capacity of 970 acre-feet at normal maximum surface elevation 1,127 m.s.l.; (3) a 500-foot long and 25-foot wide intake canal with a valved control structure; (4) a pond (Alder) having a surface area of 15 acres and a storage capacity of 100 acre-feet at normal surface elevation 1,124 m.s.l.; and (5) a 200-foot long and 25-foot wide canal with a stop-log bypass control structure along its right bank.

Applicant proposes to construct a new powerhouse containing generating unit(s) having a total rated capacity of 1,100 kW at the existing bypass structure. The Applicant estimates that the average annual energy output would be 5,500,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$15,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or

before November 16, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or positions to intervene must be received on or before November 16, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27332 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-487-000]

**Transcontinental Gas Pipe Line Corp.; Application**

September 11, 1981.

Take notice that on August 26, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-487-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 20,700 dekatherms (dt) equivalent of natural gas per day for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Con Ed has arranged to purchase natural gas from Connecticut Natural Gas Corporation (Connecticut Natural) and that Connecticut Natural would make such gas available to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. for subsequent transportation and delivery to Applicant at the existing Rivervale interconnection in Bergen County, New Jersey. It is submitted that Applicant would receive up to 20,700 dt equivalent of gas per day and would redeliver equivalent quantities to Con Ed at Applicant's existing delivery points to Con Ed in the New York metropolitan area.

Applicant further submits that such service would be for a term beginning on the date of initial deliveries and ending on the earlier of November 1, 1981, or the expiration of the "fuel shortage emergency period" as defined in § 284.201(e) of the Commission's Regulations whichever first occurs.

Applicant asserts that the proposed transportation would be interruptible at Applicant's sole discretion and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to Con Ed under Applicant's Rate Schedules CD, PS, GSS, and WSS. Applicant further asserts that such service would be subject to the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers dependent upon Applicant's general system supply.

For such transportation service Applicant states that Con Ed would initially pay Applicant 7.0 cents per dt equivalent delivered and that Applicant would initially retain 0.7 percent of the quantities received for compressor fuel and line loss make-up. Applicant further requests that it be allowed to retain all

revenues received for the proposed transportation service.

It is indicated the Con Ed would use the subject gas directly to generate electricity and/or steam and that the gas would displace fuel oil which would otherwise be banned for such purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27333 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M**[Project No. 4867-000]****Utah Power & Light Co. and Orangeville City, Utah; Application for Preliminary Permit**

September 14, 1981.

Take notice that Utah Power & Light Company and Orangeville City, Utah (Applicant) filed on June 12, 1981, an application for preliminary permit

[pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4867 to be known as the Joes Valley Dam Project located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Executive Vice President and General Counsel, Utah Power and Light Company, 1407 West North Temple, Salt Lake City, Utah 84116.

**Project Description**—The proposed project would utilize the existing Bureau of Reclamation's Joes Valley Dam and would consist of: (1) a powerhouse containing two generating units with rated capacities of 1.2 and 1.3 MW, respectively; (2) a tailrace; (3) six miles of 12-kV transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7.6 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates the cost of studies to be \$15,000.

**Competing Applications**—This application was filed as a competing application to the Joes Valley Dam Project No. 3824 filed on December 4, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 9, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27334 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

#### [Project No. 5046-000]

##### Vidler Tunnel Water Co.; Application for Preliminary Permit

September 14, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on July 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5046 to be known as the Empire Hydro Project located on the West Fork Clear Creek in Clear Creek County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 75 Manhattan Drive, Suite 201, Boulder, Colorado 80303.

**Project Description**—The proposed unconstructed project would affect lands of the United States within the Arapahoe National Forest and would consist of: (1) a 10-foot long and 4-foot high diversion dam with crest elevation 9,400 feet m.s.l.; (2) a 36-inch diameter, 2,000-foot long buried penstock; (3) a powerhouse containing a generating unit having a rated capacity of 185-kW at a head of 160 feet and a flow of 17 c.f.s.; (4) a short tailrace; (5) a 0.5-mile long

14.4-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,294,820 kWh. Project energy would be sold to several small municipalities or to the Public Service Company of Colorado.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be \$80,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981 either the competing application itself [See 18 CFR § 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR § 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments; a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those

copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27335 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

#### [Project No. 5196-000]

##### Village of Newport, New York and Essex Development Associates, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 14, 1981.

Take notice that on August 7, 1981, the Village of Newport, New York and Essex Development Associates, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5196) would be located on West Canada Creek in Herkimer County, New York. Correspondence with the Applicant should be directed to: Mr. Richard A. Norman, Essex Development Associates, Inc., Six Essex Street, Lawrence, Massachusetts 01840.

**Project Description**—The proposed redeveloped project would consist of: (1) An existing concrete dam, 8 feet high and 242 feet long; (2) a 23-acre impoundment with negligible storage; (3) a redeveloped power canal 125 feet long; (4) an existing 54 by 25-foot powerhouse containing three new generators with a total capacity of 1500 kW operating under a head of 11.5 feet; (5) two tailraces, one existing and one to be constructed; (6) an existing 4.16-kV transmission line 100 feet long and (7) appurtenant facilities.

**Purpose of Project**—The 6.2 million kWh of electrical energy generated at the site would be sold to Niagara Mohawk Power Corporation.

**Agency Comments**—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New York

State Department of Environmental Conservation, are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the

granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

*Competing Applications*—This application was filed as a competing application to the Newport Hydroelectric Power Corporation Project No. 4247 filed on February 23, 1981, by the Long Lake Energy under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications will be accepted for filing.

*Filing and Service of Responsive Documents*—Any filings, must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as

applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary

[FR Doc. 81-27448 Filed 9-10-81; 8:45 am]  
BILLING CODE 6450-85-M

[Volume 506]

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 11, 1981.

JC NO	JA	KT	SEI NO	F SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
***** ARKANSAS OIL & GAS COMMISSION *****								
***** ARKLA EXPLORATION COMPANY *****								
8147051			0313110169	103	RECEIVED: 08/26/81 JA: AR			
8147052			0313110169	103	FRANKLIN HOLLAND #1-C	GRAGG	700.0	ARKANSAS LOUISIAN
8147074			0304710163	103	FRANKLIN HOLLAND #1-T	GRAGG	450.0	ARKANSAS LOUISIAN
				103	OTTO DOVILLE #1-14-T	CECIL	650.0	ARKANSAS LOUISIAN
***** CRYSTAL OIL COMPANY *****								
8147092			0302710763	102-4	RECEIVED: 08/27/81 JA: AR			
				102-4	KEITH ET AL #1	DORCHEAT - MACEDONIA	312.7	ARKANSAS LOUISIAN
***** DIAMOND SHAHROCK CORPORATION *****								
8147076			0304710102	103	RECEIVED: 08/26/81 JA: AR			
8147075			0304710102	103	BURL THOMPSON NO 1-C	VESTA	150.0	
8147077			0304710180	103	BURL THOMPSON NO 1-T	VESTA	40.0	
				103	HIATT NO 1	VESTA	0.0	
8147050			0313110180	103	MURPHY NO 1	GRAGG	881.0	
***** DIAMOND SHAHROCK CORPORATION *****								
8147084			0308310050	103	RECEIVED: 08/27/81 JA: AR			
				103	CULENE JONES WALLIS NO 1	DELAWARE	100.0	
***** GOLDEN ENGINEERING INC *****								
8147083			0309110255	102-4	RECEIVED: 08/27/81 JA: AR			
				102-4	HILLER LAND & LUMBER CO NO 1	DEEP TEST - FT LYNN	180.0	TEXAS EASTERN TRA
***** HADSON OHIO OIL COMPANY *****								
8147049			0313100000	102-4	RECEIVED: 08/26/81 JA: AR			
				102-4	ROYCE DEAN JONES NO 1-LT	HANSFIELD	447.0	ARKANSAS LOUISIAN
***** HADSON PETROLEUM CORP *****								
8147095			0303310055	102-2	GOINES #1-14-C	HOLLIS LAKE FIELD	350.0	ARKANSAS LOUISIAN
8147096			0303310055	102-0	GOINES #1-14-UT (CUAN A FORMATION)	HOLLIS LAKE FIELD	196.0	ARKANSAS LOUISIAN
***** HADKINS OIL & GAS INC *****								
8147059			0301710176	103	RECEIVED: 08/26/81 JA: AR			
				103	HOLLOWAY #1	ALTUS	7.0	ARKANSAS WESTERN
***** HAWKINS OIL & GAS INC *****								
8147085			0308310042	103	RECEIVED: 08/27/81 JA: AR			
				103	BURCHAN #1-3	CHISHMILLE	7.0	ARKANSAS LOUISIAN
8147099			0303310064	103	KING #2-33-C	DYER	28.0	
8147100			0303310064	103	KING #2-33-T	DYER	28.0	
***** HOOVER & BRACKEN ENERGIES *****								
8147107			0311500000	102-4	RECEIVED: 08/27/81 JA: AR			
				102-4	VERFISCIO #1-5	FERGUSON	365.0	ARKANSAS LOUISIAN
***** HOUSTON OIL & MINERALS CORPORATION *****								
8147090			0302710737	102-4	RECEIVED: 08/27/81 JA: AR			
				102-4	RAY BRADLEY #1	WARE CREEK	365.0	ARKANSAS LOUISIAN
8147049			0302710725	102-4	WILLIAM P DELANEY ET AL #1	WARE CREEK	185.0	
***** JIM L HANNA DBA HANNA OIL AND GAS C *****								
8147086			0308310054	103	RECEIVED: 08/27/81 JA: AR			
				103	BACKBONE NO 1-C	BOONEVILLE	100.0	
8147087			0308310054	103	BACKBONE NO 1-T	BOONEVILLE	50.0	
***** JOHN C OXLEY *****								
8147058			0307110171	102-4	RECEIVED: 08/26/81 JA: AR			
				102-4	DODGE NO 1 (LOWER ALLEN)	KNOXVILLE	639.0	ARKANSAS LOUISIAN
8147057			0307110171	103	DODGE NO 1 (MCQUIRE FORMATION)	KNOXVILLE	183.0	ARKANSAS LOUISIAN
8147079			0304710154	102-4	REEB NO 1-C	AEINA	305.0	ARKANSAS LOUISIAN
8147078			0304710154	103	REEB NO 1-T	AEINA	90.0	ARKANSAS LOUISIAN
***** MCCORMICK OPERATING CO *****								
8147062			0309110228	102-4	RECEIVED: 08/27/81 JA: AR			
				102-4	E A FROST ET AL TRUST #1	CUMMINGS	0.0	TEXAS EASTERN TRA

VOLUME 506

PAGE 002

JD NC	JA	KT	AFI AL	D SFC CAT WELL NAME	RECEIVED	JA	AR	FIELD NAME	PRGD	PURCHASER
-MORAN EXPLORATION INC					RECEIVED: 08/26/81		JA: AR			
8147080			0304710129	103 ELLIS #23-1	RECEIVED: 08/27/81		JA: AR	EAST JETHRO	0.0	
-RUSTEX OIL INC					RECEIVED: 08/27/81		JA: AR			
8147091			0302710778	103 GARRETT NO 6	RECEIVED: 08/26/81		JA: AR	MAGNOLIA	120.0	ARKANSAS LOUISIAN
-SAMSON RESOURCES COMPANY					RECEIVED: 08/26/81		JA: AR			
8147048			0313110142	102-4 WESTERN NO 1	RECEIVED: 08/27/81		JA: AR	BONANZA	250.0	ARKANSAS LOUISIAN
-SAMSON RESOURCES COMPANY					RECEIVED: 08/26/81		JA: AR			
8147106			0311510082	102-4 MARTIN UNIT NO 1	RECEIVED: 08/26/81		JA: AR	KNOXVILLE	547.5	ARKANSAS LOUISIAN
-SECO INC					RECEIVED: 08/26/81		JA: AR			
8147060			0304710140	102-4 HAYNES #1-23	RECEIVED: 08/26/81		JA: AR	ROCK CREEK	79.0	ARKANSAS WESTERN
8147064			0304710171	103 HOLLINGER #1-26	RECEIVED: 08/26/81		JA: AR	JETHRO	64.7	ARKANSAS WESTERN
8147063			0304710142	102-4 LESSLEY #4-12	RECEIVED: 08/26/81		JA: AR	POSSUMTROT	75.7	ARKANSAS WESTERN
8147062			0304710143	102-4 MAYNER #3-35-C	RECEIVED: 08/26/81		JA: AR	JETHRO	55.0	ARKANSAS WESTERN
8147061			0304710143	102-4 MAYNER #3-35-T	RECEIVED: 08/26/81		JA: AR	JETHRO	17.0	ARKANSAS WESTERN
8147065			0304710130	102-4 R WHITEHEAD #1-8	RECEIVED: 08/26/81		JA: AR	ALTUS	369.8	ARKANSAS WESTERN
-SECO INC					RECEIVED: 08/27/81		JA: AR			
8147093			0303310066	102-4 ALEXANDER #4-3	RECEIVED: 08/26/81		JA: AR	DYER	60.2	ARKANSAS WESTERN
-SOUTHERN UNION EXPLORATION COMPANY					RECEIVED: 08/26/81		JA: AR			
8147055			0307110150	102-4 GREENWOOD #2-31	RECEIVED: 08/26/81		JA: AR	COAL HILL	137.0	ARKANSAS WESTERN
8147056			0307110150	103 GREENWOOD #2-31	RECEIVED: 08/26/81		JA: AR	COAL HILL	136.0	ARKANSAS WESTERN
-STEPHENS PRODUCTION COMPANY					RECEIVED: 08/26/81		JA: AR			
8147068			0304710133	102-0 DICKERSON #1-C	RECEIVED: 08/26/81		JA: AR	AETNA	400.0	ARKANSAS LOUISIAN
8147069			0304710133	102-0 DICKERSON #1-T	RECEIVED: 08/26/81		JA: AR	AETNA	400.0	ARKANSAS LOUISIAN
8147067			0304710156	103 WOODROW JOHNS #1-C	RECEIVED: 08/26/81		JA: AR	AETNA	1000.0	ARKANSAS LOUISIAN
8147066			0304710156	102-3 WOODROW JOHNS #1-T	RECEIVED: 08/26/81		JA: AR	AETNA	50.0	ARKANSAS LOUISIAN
-STEPHENS PRODUCTION COMPANY					RECEIVED: 08/27/81		JA: AR			
8147097			0303310063	102-4 J O MCCLURE #2-C WELL	RECEIVED: 08/26/81		JA: AR	HOLLIS LAKE	100.0	ARKANSAS OKLAHOMA
8147098			0303310063	102-4 J O MCCLURE #2-T WELL	RECEIVED: 08/26/81		JA: AR	HOLLIS LAKE	100.0	ARKANSAS OKLAHOMA
-TENNECO OIL COMPANY					RECEIVED: 08/26/81		JA: AR			
8147073			0304710141	102-2 ARRINGTON 1-11	RECEIVED: 08/26/81		JA: AR	ROCK CREEK	69.0	ARKANSAS OKLAHOMA
8147071			0304710147	103 CARTER 1-4-C (DUNK C)	RECEIVED: 08/26/81		JA: AR	AETNA	238.0	ARKANSAS OKLAHOMA
8147072			0304710147	103 CARTER 1-4-T (2ND HALE)	RECEIVED: 08/26/81		JA: AR	AETNA	84.6	ARKANSAS OKLAHOMA
8147070			0304700000	108 SHELTON UNIT B #1	RECEIVED: 08/26/81		JA: AR	CECIL NE	11.0	ARKANSAS OKLAHOMA
-TEXAS OIL & GAS CORP					RECEIVED: 08/26/81		JA: AR			
8147053			0307110198	102-4 BROCK #1-C	RECEIVED: 08/26/81		JA: AR	CLARKSVILLE	400.0	ARKANSAS LOUISIAN
8147054			0307110158	103 BROCK #1-T	RECEIVED: 08/26/81		JA: AR	CLARKSVILLE	600.0	ARKANSAS LOUISIAN
8147108			0302310004	102-2 LANDRUM #1	RECEIVED: 08/26/81		JA: AR	QUITMAN	100.0	ARKANSAS LOUISIAN
-TEXAS OIL & GAS CORP					RECEIVED: 08/27/81		JA: AR			
8147102			0311510067	102-4 BIBLER #1-C	RECEIVED: 08/27/81		JA: AR	ROSS	1000.0	ARKANSAS LOUISIAN
8147103			0311510067	102-4 BIBLER #1-T	RECEIVED: 08/27/81		JA: AR	ROSS	1000.0	ARKANSAS LOUISIAN
8147105			0311510070	102-4 OBRANT #1	RECEIVED: 08/27/81		JA: AR	DOVER	300.0	ARKANSAS LOUISIAN
8147104			0311510053	102-4 PRICE G #1-T	RECEIVED: 08/27/81		JA: AR	DOVER	150.0	ARKANSAS LOUISIAN
8147101			0303310051	103 VAN BUREN #1-C	RECEIVED: 08/27/81		JA: AR	HOLLIS LAKE	25.0	ARKANSAS LOUISIAN
8147094			0303310051	102-4 VAN BUREN #1-T	RECEIVED: 08/27/81		JA: AR	HOLLIS LAKE	150.0	ARKANSAS LOUISIAN
-W C PARTEE					RECEIVED: 08/27/81		JA: AR			
8147088			0302710754	103 B DICKSON NO 3	RECEIVED: 08/27/81		JA: AR	MT VERNON FIELD	69.6	J-M OPERATING CO
-CALIFORNIA DEPARTMENT OF CONSERVATION					RECEIVED: 08/24/81		JA: CA			
-SANTA FE ENERGY COMPANY					RECEIVED: 08/24/81		JA: CA			
8147047			041120872	103 ARCO 16	RECEIVED: 08/24/81		JA: CA	GUAI-SILVERHEAD	73.0	ARCO OIL & GAS CO
-FLORIDA DEPARTMENT OF NATURAL RESOURCES					RECEIVED: 08/27/81		JA: FL			
-EXXON CORPORATION					RECEIVED: 08/27/81		JA: FL			



VOLUME 506

PAGE 004

JD	JA	KT	AFI NO	D SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8146938	09984		3508321014	103	RECEIVED: 08/24/81	JOHNSON #4	WEST MULHALL	0.0	AMINOIL USA INC
-HARPER OIL COMPANY									
8147009	10167		3512920455	102-4	MERRICK #1		WILDCAT	500.0	DELHI GAS PIPELIN
-HENRY H GUNGOLL									
8146972	11858		3504722453	102-4	ALICE 1-12		SOONER TREND	172.0	CRA INC
8146971	11913		3504722660	102-4	ALICE 2-12		SOONER TREND	338.0	CRA INC
-HOOVER & BRACKEN ENERGIES									
8146997	12582		3504321144	102-4	WILLIS #1-4		NORTHWEST RUCMAC	438.0	PHILLIPS PETROLEU
8146996	12581		3504321239	102-4	WILLIS #2-4		NORTHWEST RUCMAC	146.0	PHILLIPS PETROLEU
-JET OIL COMPANY									
8146992	10260		3508321551	103	EWING #1		ELKHORN	73.0	EASON OIL CO
8146990	10185		3504722342	103	WILSON #1		N ELKHORN	12.0	EASON OIL CO
-JOHN T RIETZ & CO INC									
8146924	11855		3508321557	102-2	ELIZABETH #1		NW EVANSVILLE	0.0	WILSON GAS PROCES
8146925	11856		3508321653	102-2	PATRICIA #1		NW EVANSVILLE	0.0	WILSON GAS PROCES
-KRUMME OIL CO									
8146957	10238		3511120990	108	GILL NO 1		BEGGS	15.0	PHILLIPS PETROLEU
8146954	10239		3511121786	108	GILL NO 2-A		BEGGS	15.0	PHILLIPS PETROLEU
-L & T OIL & GAS INC									
8146986	10243		3510321167	103	CAMPBELL NO 2		S E ASP	59.0	AMINOIL USA INC
8146956	10210		3507322545	103	TALBOT NO 1		SOONER TREND	116.0	CITIES SERVICE CO
-LLOYD & WILBUR WHITE OIL CO									
8146944	10045		3508300000	103	GRAFF A #1		S W CRESCENT	37.0	CONOCO INC
-LRF CORP									
8146936	09281		3506120346	103	LACKEY #1		KINTA	900.0	ARKANSAS LOUISIAN
-MORGAN & STEINERT INC									
8146940	8374		3504762655	103	MILLIE #1		SOONER TREND	73.0	EXXON CO USA
-NATURAL GAS ANADARKO INC									
8146974	12064		3500721960	102-4	BECKWITH #1-26		BALCO SOUTH	36.0	INTERNORTH INC
-OMNI OIL & GAS INC									
8147002	7899		3507322551	103	WALKER-13 NO 1		SOONER TREND	0.0	CITIES SERVICE GA
-PETRO-LEWIS CORPORATION									
8147003	09423		3507300000	108	EDWARDS 33-1		SOONER TREND	8.4	PARTNERSHIP PROPE
8147007	10009		3509300000	108	ENSMINGER 13-1		OKENE	10.0	PARTNERSHIP PROPE
8147010	10001		3504720530	108	HANK 29-1		SOONER TREND	8.8	PARTNERSHIP PROPE
8147005	10007		3509300000	108	KEITH 2-1		RINGWOOD	9.2	PARTNERSHIP PROPE
8147006	10008		3507300000	108	LUBER 21-1		E LOYAL (SOONER TREND)	12.0	PARTNERSHIP PROPE
8147004	10000		3507322114	108	OLIVE MAYE #1		SOONER TREND	8.3	PARTNERSHIP PROPE
-PETROLEUM INC									
8146926	12089		3513921439	102-4	JOLIFFE #1-1		CAMRICK	150.0	PANHANDLE EASTERN
-PHILLIPS OIL OPERATING CO									
8146973	11375		3508121301	102-2	ELMO NO 1		PRAIRIE GEM	46.0	CITIES SERVICE CO
8146969	11374		3508121290	102-2	QUINTLE NO 1		PRAIRIE GEM	803.0	CITIES SERVICE CO
8146970	11373		3508121315	102-2	WARE NO 1		PRAIRIE GEM	37.0	
-PHILLIPS PETROLEUM COMPANY									
8146922	10250		3501721606	103	CANON B #1		W YUKON	0.0	OKLAHOMA NATURAL
8146990	10251		3501721853	103	KREHEIER A #1		N CONCHO	0.0	OKLA NATURAL GAS
8146994	10254		3501121501	103	MATLI A #1		WATONGA	0.0	OKLA NATURAL GAS
8146991	10253		3501721817	103	WHITTAKER A #1		E RICHLAND	0.0	ONG WESTERN INC
-PORTS OF CALL OIL CO									
8146931	10271		3501721744	103	SHEPCK NO 1-1		A MUSTANG	694.0	PHILLIPS PETROLEU
8146930	10270		3501721872	103	WEDMAN NO 6-2		YUKON	110.0	PHILLIPS PETROLEU

JUL NO    JUL FKT    C SEC CAT WELL NAME    FIELD NAME    VOLUME 506    PAGE 005    PROD    PURCHASER  
 -----  
 -RAMBLER OIL CO    3509321792    RECEIVED: 08/24/81    JA: OK    SE ORION    0.0 DELHI GAS PIPELIN  
 8146995 12349    102-2 DOW #1-22    SE ORION    0.0 DELHI GAS PIPELIN  
 8146995 12349    103 DOW #1-22    WEST CHANDLER    100.0 TRIOK INC  
 -REX OIL REFINING INC    3508121160    RECEIVED: 08/24/81    JA: OK    S ORLANDO    50.0 EASON OIL CO  
 8146985 10212    103 WALKER NO 2    SOONER TREND    15.0 CITIES SERVICE GA  
 -ROXANA PETROLEUM INC    3508321487    RECEIVED: 08/24/81    JA: OK    S E GESTOS    869.0 DELHI GAS PIPELIN  
 8147008 10135    103 MARTIN #1    PIECHONT    140.0  
 -SEARCH DRILLING CO    3507322008    RECEIVED: 08/24/81    JA: OK    PIECHONT    165.0  
 8146949 12201    103 KRAMER #1-18    PIECHONT    36.0  
 8146962 10200    103 TAYLOR #1-27    PIECHONT    36.0  
 -SENECA OIL COMPANY    3504321149    RECEIVED: 08/24/81    JA: OK    ANTELOPE HILLS    731.0  
 8147000 12175    103 SIMPSON #1-4    CHICKASHA NW    123.0 PUBLIC SERVICE CO  
 8147001 12176    103 SIMPSON #2-4    CHICKASHA NW    234.0 PUBLIC SERVICE CO  
 8146964 12177    102-2 TREECE #1-34    CHICKASHA NW    63.0 PUBLIC SERVICE CO  
 8146964 12177    103 TREECE #1-34    CHICKASHA NW    57.0 PUBLIC SERVICE CO  
 -SOUTHPORT EXPLORATION INC    3501721815    RECEIVED: 08/24/81    JA: OK    CHICKASHA NW    196.0 PUBLIC SERVICE CO  
 8146999 12152    102-2 SANFORD NO 1-27    W DOUGLAS    50.0 ONG WESTERN INC  
 -SOUTHWESTERN EXPLOR CONSULTANTS INC    3504520911    RECEIVED: 08/24/81    JA: OK    SHO-VEL-TUK    7.0 MOBIL OIL CORP.  
 8146952 10178    103 MYRTLE #1    SHO-VEL-TUK    9.0 MOBIL OIL CORP.  
 -SUN OIL COMPANY (DELAWARE)    3508320877    RECEIVED: 08/24/81    JA: OK    VICI    5.0 NORTHERN NATURAL  
 8146979 13294    103 NORGE MARCHAND UNIT #50-2    OKARCHE NE    26.0 CONOCO INC  
 8146978 10293    103 NORGE MARCHAND UNIT #51-2    NW GRAND CENTER    175.0 SERVICE DRILLING  
 8146981 10298    103 NORGE MARCHAND UNIT #56-2    N OAKWOOD    350.0 SERVICE DRILLING  
 8146977 10292    103 NORGE MARCHAND UNIT #58-2    N OAKWOOD    65.7 PHILLIPS PETROLEUM  
 8146980 10297    103 NORGE MARCHAND UNIT #68-2    N OAKWOOD    65.7 PHILLIPS PETROLEUM  
 -SUNDANCE ENERGY CORP    3505120995    RECEIVED: 08/24/81    JA: OK    PUTAAN    20.0 NATURAL GAS PIPEL  
 -TENNECO OIL COMPANY    3504722418    RECEIVED: 08/24/81    JA: OK    WAKITA TREND    58.4 PHILLIPS PETROLEUM  
 8146953 10169    103 TAGGART NO 1    S U TITLE & TRUST AC 1    492.8 DELHI GAS PIPELIN  
 8147011 10168    103 S GRAHAM DEESE SAND UNIT 38-4    RECEIVED: 08/24/81    JA: OK    100.0 SUN GAS CO  
 8146963 10061    108 S GRAHAM DEESE SAND UNIT 4-9A    RECEIVED: 08/24/81    JA: OK    219.0 PHILLIPS PETROLEUM  
 -TEXACO INC    3515300000    RECEIVED: 08/24/81    JA: OK    EAST ANTIOCH    100.0 BUCKEYE NATURAL G  
 8146928 13284    103 S U TITLE & TRUST AC 1    RECEIVED: 08/24/81    JA: OK  
 -TOWNER PETROLEUM CO    3507322518    RECEIVED: 08/24/81    JA: OK  
 8146988 10195    103 FIRST NATIONAL BANK #17-1    RECEIVED: 08/24/81    JA: OK  
 8146961 10196    102-2 HALL #5-1    RECEIVED: 08/24/81    JA: OK  
 -TRANS-WESTERN EXPLORATION INC    3501821076    RECEIVED: 08/24/81    JA: OK  
 8146983 11860    102-4 WILLIS 4-9    RECEIVED: 08/24/81    JA: OK  
 8146983 11860    103 WILLIS 4-9    RECEIVED: 08/24/81    JA: OK  
 -UNION OIL COMPANY OF CALIF    3504321211    RECEIVED: 08/24/81    JA: OK  
 8146976 10277    108 T P JORDAN #2-16    RECEIVED: 08/24/81    JA: OK  
 -UNIVERSAL RESOURCES CORPORATION    3504320477    RECEIVED: 08/24/81    JA: OK  
 8146946 10133    103 KADAVY 1-25    RECEIVED: 08/24/81    JA: OK  
 8146945 10132    103 LEON 1-23    RECEIVED: 08/24/81    JA: OK  
 -VIERSEN & COCHRAN    3509321988    RECEIVED: 08/24/81    JA: OK  
 8146943 10111    103 TONER #1-7    RECEIVED: 08/24/81    JA: OK  
 -WHEATLAND OIL CO    3505320628    RECEIVED: 08/24/81    JA: OK  
 8146955 13202    103 VICKI K #1    RECEIVED: 08/24/81    JA: OK  
 -WHITMAR EXPLORATION CO    3509322084    RECEIVED: 08/24/81    JA: OK  
 8146968 12320    102-4 WILLIE B SMITH #12-3    RECEIVED: 08/24/81    JA: OK  
 -WEST VIRGINIA DEPARTMENT OF MINES    3504921522    RECEIVED: 08/24/81    JA: OK  
 -APEX DRILLING FUND 1979 LTD    3504921522    RECEIVED: 08/24/81    JA: OK

JD NO	JA JKT	API NO	SEC CAT	WELL NAME	FIELD NAME	VOLUME	500	PROG	PAGE	006	PURCHASER
8147120		4708524351	103	RUFUS TAYLOR H-849	UNION DISTRICT						20.0 CONSOLIDATED GAS
-APPALACHIAN ENERGY INC				RECEIVED: 08/27/81 JA: WV							
8147132		4703302520	103	F BICE #1 AE 207	CLAY						30.0 CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED: 08/27/81 JA: WV							
8147140		4703901883	108	BEDFORD LAND CO #5A - 034500	PAINT CREEK						13.0 COLUMBIA GAS TRAN
8147141		4703901980	108	EASTERN GAS & FUEL #29 - 036400	PAINT CREEK						13.0 COLUMBIA GAS TRAN
8147136		4701500141	108	EASTERN GAS & FUEL #36 - 038880	PAINT CREEK						14.0 COLUMBIA GAS TRAN
-BADGER OIL & GAS CO INC				RECEIVED: 08/27/81 JA: WV							
8147131		4704302455	103	BADGER #1 - SPEARS	MIDKIFF - SPEARS						0.0 COLUMBIA GAS TRAN
-BRAXTON OIL AND GAS CORP				RECEIVED: 08/27/81 JA: WV							
8147109		4700701200	108	NO 1 HUNTER	CHAPEL-GERMAN						12.0 CONSOLIDATED GAS
8147115		4704102867	108	NO 1 MOODY	VANDALIA						10.0 CONSOLIDATED GAS
-CARSON-PETROLEUM CORP				RECEIVED: 08/27/81 JA: WV							
8147150		4701702751	103	E GUM #1	ST CLAIR						10.0 COLUMBIA GAS TRAN
8147149		4701702851	103	H SCHMIDT #1							0.0 CONSOLIDATED GAS
8147148		4704102948	103	LLD PETERS #2A							0.0 CONSOLIDATED GAS
-CENTRAL GAS CO				RECEIVED: 08/27/81 JA: WV							
8147165		4708504260	108	DAVIDSON #2	CAIRO AREA						0.3 CABOT CORP
8147160		4708503814	108	DAVIDSON #9	CAIRO AREA						7.8 CABOT CORP
8147159		4708503813	108	DOUGLASS #5	CAIRO AREA						3.6 CABOT CORP
8147169		4708504407	108	DOUGLASS #8	CAIRO AREA						3.3 CABOT CORP
8147168		4708504377	108	MOATS #2	CAIRO AREA						5.2 CABOT CORP
8147170		4708504409	108	MOATS #3	CAIRO AREA						2.9 CABOT CORP
8147166		4708504271	108	MOATS #7	CAIRO AREA						6.0 CABOT CORP
8147162		4708504154	108	P MORRIS #2	CAIRO AREA						3.1 CABOT CORP
8147161		4708504113	108	P MORRIS #9	CAIRO AREA						2.1 CABOT CORP
8147167		4708504376	108	WANLASS #10	CAIRO AREA						0.0 CABOT CORP
8147164		4708504120	108	WANLASS #13	CAIRO AREA						5.0 CABOT CORP
8147163		4708504179	108	WANLASS #4	CAIRO AREA						5.3 CABOT CORP
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 08/27/81 JA: WV							
8147152		4703300597	108	HAZEL KIEFFER 11423	GRANT DISTRICT						3.0 GENERAL SYSTEM PU
8147151		4701500275	108	KANAWHA & HOCKING C & C CO 11975	FALLS DISTRICT						8.6 GENERAL SYSTEM PU
8147154		4703501369	108	L A BAUER 11940	UNION DISTRICT						16.1 GENERAL SYSTEM PU
8147153		4703300796	108	SERENA ASHCRAFT 11714	SARDIS DISTRICT						17.4 GENERAL SYSTEM PU
8147114		4700100876	108	VIRGINIA C TRIMBLE 12342	UNION DISTRICT						2.5 GENERAL SYSTEM PU
-EARL STEWART				RECEIVED: 08/27/81 JA: WV							
8147126		4708503529	108	CHAPMAN #1	TURTLE RUN						1.2 CARNEGIE NATURAL
-FOX DRILLING CO INC				RECEIVED: 08/27/81 JA: WV							
8147123		4700101517	103	GOUDWIN #1	BELINGTON FIELD						40.0 COLUMBIA GAS TRAN
8147124		4700101482	103	R K TALBOT #3	BELINGTON FIELD						25.0 COLUMBIA GAS TRAN
-GILBERT DRILLING CO				RECEIVED: 08/27/81 JA: WV							
8147110		4705900950	107-DV	GILBERT IMPORTED HARDWOODS #5	PIGEON CREEK						3.0 COLUMBIA GAS TRAN
8147111		4705900951	107-DV	GILBERT IMPORTED HARDWOODS #6	PIGEON CREEK						3.0 COLUMBIA GAS TRAN
-GLENN L HAUGHT & SONS				RECEIVED: 08/27/81 JA: WV							
8147122		4708524445	103	MARY ELDER H-882	UNION DISTRICT						18.0 CONSOLIDATED GAS
8147119		4708524446	103	MARY ELDER H-883	UNION DISTRICT						18.0 CONSOLIDATED GAS
-HAUGHT INC				RECEIVED: 08/27/81 JA: WV							
8147121		4708524392	103	RUFUS TAYLOR H-850	UNION DISTRICT						20.0 CONSOLIDATED GAS
-J F DEEM				RECEIVED: 08/27/81 JA: WV							
8147125		4708504795	108	HARTMAN #6	BURNT HOUSE						15.0 CONSOLIDATED GAS
-JAHAR LAND CO INC				RECEIVED: 08/27/81 JA: WV							
8147155		4709901700	103	GLEN HAYES CO #4	LINCOLN DISTRICT						0.0 COLUMBIA GAS TRAN
8147156		4709901700	108	GLENHAYES NC #4	LINCOLN DISTRICT						0.0 COLUMBIA GAS TRAN

JAMES F SCOTT  
 8147116 4703302221 RECEIVED: 08/27/81 JA: WV  
 8147119 4704102690 C L ROGGS S-286  
 8147135 4701702862 E D BUTCHER S-276  
 8147138 4703301245 EVA CASWELL S-327  
 8147137 4703301245 J N SWIGER #1 S-253  
 8147133 4703301946 JAMES WILLIAMS #1 (S-262)  
 8147133 4701702941 ROBERT ONEACRE S-337  
 8147134 4701702892 VELMA ARTERS S-332  
 -LAUDERMAN OIL & GAS DRILLING  
 8147145 4707300857 DELNO TRUEX #4 WELL  
 8147147 4707302060 ROBERT LEE EVANS #1 WELL  
 8147144 4707300883 SAM WHITE #1-A WELL  
 8147146 4707300856 THEODORE PETHEL #1 WELL  
 8147143 4707300866 D THEODORE PETHEL #2 WELL  
 -MAGNUM OIL CORP  
 8147117 4708505024 RECEIVED: 08/27/81 JA: WV  
 8147117 4708505024 DROWNIE AMICK #001  
 -PETRO-LEWIS CORPORATION  
 8147157 4700100208 RECEIVED: 08/27/81 JA: WV  
 8147157 4700100208 MCVICKER #1-21  
 -PHILLIPS PETROLEUM COMPANY  
 8147113 4706100316 RECEIVED: 08/27/81 JA: WV  
 8147112 4706100311 CASCADE-C NO 1  
 -ROY G HILDRETH ET AL  
 8147142 4708712120 RECEIVED: 08/27/81 JA: WV  
 8147142 4708712120 ROY NITZ NO 1  
 -WACO OIL AND GAS CO INC  
 8147128 4702103574 RECEIVED: 08/27/81 JA: WV  
 8147129 4702103457 CARSON #3B  
 8147127 4702103502 ERVIN LOWTHER #1A  
 8147130 4700701460 ERVIN LOWTHER #2A  
 -WARREN R HAUGHT AGENT  
 8147118 4708525016 RECEIVED: 08/27/81 JA: WV  
 8147118 4708525016 EMERY HASON - TOM HASON H-1174  
 -WHITMAN OIL & GAS CORP  
 8147158 4708503812 RECEIVED: 08/27/81 JA: WV  
 8147158 4708503812 HATFIELD #2  
 \*\* U.S. GEOLOGICAL SURVEY - DENVER \*\*  
 -ARCO OIL AND GAS COMPANY  
 8147034 CD 0252-81 RECEIVED: 08/24/81 JA: CO 1  
 8147033 CD 0279-81 SOUTHERN UTE #22-1 33-11 (GP)  
 -EL PASO EXPLORATION CO  
 8147013 CD 0227-81 RECEIVED: 08/24/81 JA: CO 1  
 8147013 CD 0227-81 BONDAD 33-9 36 #21  
 -GORDON ENGINEERING INC  
 8147031 CD 0229-81 RECEIVED: 08/24/81 JA: CO 1  
 8147032 CD 0230-81 107-TF J & D FEDERAL 10-1  
 -KNOX INDUSTRIES INC  
 8147038 CD 0260-81 RECEIVED: 08/24/81 JA: CO 1  
 8147037 CD 0270-81 107-TF HORSESHOE CANYON UNIT NO 2  
 8147035 CD 0272-81 107-TF HORSESHOE CANYON UNIT NO 3  
 8147036 CD 0271-81 107-TF HORSESHOE CANYON UNIT NO 4  
 8147039 CD 0264-81 107-TF HORSESHOE CANYON UNIT NO 5  
 8147040 CD 0257-81 102-2 WINTER FLATS NO 1  
 -HESA PETROLEUM  
 8147028 CD 0282-81 RECEIVED: 08/24/81 JA: CO 1  
 8147029 CD 0280-81 107-TF ECKLEY FEDERAL 31 #1  
 107-TF ECKLEY FEDERAL 31 #2.

FIELD NAME  
 EAGLE  
 HACKERS CREEK  
 GREENBRIER  
 EAGLE  
 EAGLE  
 GREENBRIER  
 GREENBRIER  
 GRANT DISTRICT  
 SOUTH BURNS CHAPEL  
 S BURNS CHAPEL  
 DANIEL RUN  
 ELLIS  
 ELLIS  
 ELLIS  
 LITTLE KANAWHA RIVER  
 UNION DISTRICT  
 CAIRO AREA  
 IGNACIO BLANCO  
 IGNACIO BLANCO  
 IGNACIO BLANCO-HESAVERDE  
 PHILADELPHIA CREEK  
 PHILADELPHIA CREEK  
 ROBERTS CANYON-SHIRE GUL  
 ROBERTS CANYON-SHIRE GUL  
 ROBERTS CANYON-SHIRE GUL  
 ROBERTS CANYON-SHIRE GUL  
 WILLCAT  
 WILLCAT  
 ECKLEY  
 ECKLEY

PROP  
 22.0 CONSOLIDATED GAS  
 22.0 CONSOLIDATED GAS  
 57.0 CONSOLIDATED GAS  
 22.0 CONSOLIDATED GAS  
 24.0 CONSOLIDATED GAS  
 63.0 CONSOLIDATED GAS  
 61.0 CONSOLIDATED GAS  
 55.0 COLUMBIA GAS TRAN  
 600.0 COLUMBIA GAS TRAN  
 12.8 COLUMBIA GAS TRAN  
 55.0 COLUMBIA GAS TRAN  
 55.0 COLUMBIA GAS TRAN  
 24.0 CONSOLIDATED GAS  
 0.0 PARTNERSHIP PROPE  
 14.6 CONSOLIDATED GAS  
 17.8 CONSOLIDATED GAS  
 0.0 CABOT CORP  
 16.8 COLUMBIA GAS TRAN  
 20.0 CARNEGIE NATURAL  
 20.0 CARNEGIE NATURAL  
 11.4 CONSOLIDATED GAS  
 20.0 CONSOLIDATED GAS  
 3.1 CABOT CORP  
 76.0 WESTERN SLOPE GAS  
 103.0 WESTERN SLOPE GAS  
 18.0 NORTHWEST PIPELIN  
 76.0 NORTHWEST PIPELIN  
 78.0 NORTHWEST PIPELIN  
 55.0 NORTHWEST PIPELIN  
 146.0 NORTHWEST PIPELIN  
 128.0 NORTHWEST PIPELIN  
 36.0 NORTHWEST PIPELIN  
 70.0 NORTHWEST PIPELIN  
 250.0 NORTHWEST PIPELIN  
 730.0 CITIES SERVICE GA  
 711.0 CITIES SERVICE GA

VOLUME 506  
 PAGE 007

VOLUME 506 PAGE 008

JD NO	JA	KT	APT NC	U SEC CAT WELL NAME	FIELD NAME	PRCD	PURCHASER
8147042	CD	0281-81	0512506574	107-TF FEDERAL KITZMILLER 32 #1	ECKLEY	18.0	CITIES SERVICE GA
MURCHISON BROTHERS				RECEIVED: 08/24/81 JA: CO 1			
8147024	CD	0028-81	0506705738	108 SOUTHERN UTE BLOCK 3 #3-18	IGNACIO-BLANCO	12.9	WESTERN SLOPE GAS
8147023	CD	0027-81	0506705751	108 UTE BLOCK 10 WELL 6-32	IGNACIO-BLANCO	18.5	WESTERN SLOPE GAS
SHIO PETROLEUM CO				RECEIVED: 08/24/81 JA: CO 1			
8147022	CD	0266-81-B	0506700000	103 SOUTHERN UTE #9 (LAKOTA)	IGNACIO BLANCO	330.0	EL PASO NATURAL G
8147021	CD	0266-81-A	0506700000	103 SOUTHERN UTE #9 (KESA VERDE)	IGNACIO BLANCO	330.0	EL PASO NATURAL G
TENNECO OIL COMPANY				RECEIVED: 08/24/81 JA: CO 1			
8147043	CD	0086-81	0510308404	107-TF GOVERNMENT #8-30	THUNDER	47.0	NORTHWEST PIPELIN
8147012	CD	0085-81	0510308420	107-TF GOVERNMENT #13-29	THUNDER	37.0	NORTHWEST PIPELIN
TWIN ARROW INC				RECEIVED: 08/24/81 JA: CO 1			
8147041	CD	0188-81	0510308000	103 CONTINENTAL 2-16	CATHEDRAL	0.0	NORTHWEST PIPELIN
BELCO DEVELOPMENT CORP				RECEIVED: 08/24/81 JA: UT 1			
8147020	UD	0265-81	4304730817	103 NORTH DUCK CREEK 42-25GR	NORTH DUCK CREEK	0.0	NORTHWEST PIPELIN
BELCO PETROLEUM CORPORATION				RECEIVED: 08/24/81 JA: UT 1			
8147019	UD	0275-81	4304730642	103 DUCK CREEK 4-17	DUCK CREEK	0.0	NORTHWEST PIPELIN
COASTAL OIL & GAS CORP				RECEIVED: 08/24/81 JA: UT 1			
8147025	UC	218-0	4304730420	102-4 NATURAL BUTTES CIGE 13-7-10-21	BITTER CREEK	183.0	COLORADO INTERSTA
COSEKA RESOURCES (USA) LIMITED				RECEIVED: 08/24/81 JA: UT 1			
8147014	UD	0259-81	4304730639	102-2 #11-10-15-23	WILDCAT	744.0	NATURAL GAS CORP
8147017	UD	0262-81	4304730618	102-2 #13-15-15-23	WILDCAT	147.0	NATURAL GAS CORP
8147016	UD	0261-81	4304730735	102-2 #2-8-15-23	WILDCAT	322.0	NATURAL GAS CORP
8147015	UD	0260-81	4304730791	102-2 #6-35-14-23	WILDCAT	160.0	NATURAL GAS CORP
TEXACO INC				RECEIVED: 08/24/81 JA: UT 1			
8147030	UD	0258-81	4303730634	103 ANETH UNIT WELL NO A-114	ANETH	1.0	EL PASO NATURAL G
TEXAS OIL & GAS CORP				RECEIVED: 08/24/81 JA: UT 1			
8147027	UD	0276-81	4301930708	103 BAILEY FED #1	WILDCAT	274.0	NORTHWEST PIPELIN
8147026	UD	0277-81	4301930761	103 MOXA FEDERAL #1	SAN ARROYO	255.0	NORTHWEST PIPELIN
WEXPRO COMPANY				RECEIVED: 08/24/81 JA: UT 1			
8147018	UD	0263-81	4303730605	102-2 BUG WELL NO 14	HUG SEC 17 T 36 S R 26 E	206.3	MOUNTAIN FUEL RES

OTHER PURCHASERS VOLUME NC 506

8146923 PRODUCERS GAS CO  
 8146940 ONE WESTERN INC

BILLING CODE 6450-05-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential

under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register on or before October 8, 1981.

Categories within each NGPA section are indicated by the following codes:

Section

- 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1,000 ft rule)

- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation
- 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27326 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-25-M

[Volume 507]

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued:

JUL 77	JUL 78	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION						
*****						
-AMOCO PRODUCTION CO	3513722484	103	RECEIVED: 08/26/81	SHOLEM-ALECHEM	142.0	MOBIL OIL CORP
-C F BRAUN & CO	3513722484	103	RECEIVED: 08/26/81	SHOLEM-ALECHEM	547.0	TRANSWESTERN PIPE
-CLARK RESOURCES INC	3512920559	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	297.5	CITIES SERVICE GA
-EDWIN L COX	3507322217	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	157.0	ARKANSAS LOUISIAN
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	120.0	AMINOIL USA INC
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	120.0	AMINOIL USA INC
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	90.0	AMINOIL USA INC
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	0.0	ARKANSAS LOUISIAN
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	300.0	PANHANDLE EASTERN
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	300.0	PANHANDLE EASTERN
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	14.6	AMINOIL USA INC
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	100.0	AMINOIL USA INC
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	772.6	TRANSOK PIPELINE
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	200.0	CITIES SERVICE GA
-HOLDEN ENERGY CORP	3507920356	102-4	RECEIVED: 08/26/81	SHOLEM-ALECHEM	300.0	WARREN PETROLEUM
*****						
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES						
*****						
-ADCO OIL & GAS CORPORATION	3704921271	103	RECEIVED: 08/27/81	BRUSH VALLEY	22.0	COLUMBIA GAS TRAN
-ADCO OIL & GAS CORPORATION	3704921271	103	RECEIVED: 08/27/81	BRUSH VALLEY	30.0	COLUMBIA GAS TRAN
-ADCO OIL & GAS CORPORATION	3704921271	103	RECEIVED: 08/27/81	BRUSH VALLEY	30.0	COLUMBIA GAS TRAN
-ADCO OIL & GAS CORPORATION	3704921271	103	RECEIVED: 08/27/81	BRUSH VALLEY	30.0	COLUMBIA GAS TRAN
-ADCO OIL & GAS CORPORATION	3704921271	103	RECEIVED: 08/27/81	BRUSH VALLEY	4.3	PEOPLES NATURAL G
-ADCO OIL & GAS CORPORATION	3704921271	103	RECEIVED: 08/27/81	BRUSH VALLEY	7.0	NATIONAL FUEL GAS
-ADCO OIL & GAS CORPORATION	3704921271	103	RECEIVED: 08/27/81	BRUSH VALLEY	7.0	NATIONAL FUEL GAS

JC NO	JA DKT	ALI NO	C SEC CAT	WELL NAME	RECEIVED	DATE	JAS	PA	FIELD NAME	VOLUME	PROD	PURCHASER	PAGE
-BENEDUM INTERESTS													
8147263	8856	3706326036	103	U A SCHROTH JR #2	08/27/81	JA: PA			PARKWOOD	30.0		PEOPLES NATURAL G	
-BEREA OIL AND GAS CORPORATION													
8147191	7050	3712328499	102-2	M J WOUTONICZ #5	08/27/81	JA: PA			WILDCAT	20.0		COLUMBIA GAS TRAN	
8147190	7049	3712328497	102-2	M 2 LAY #1	08/27/81	JA: PA			WILDCAT	20.0		COLUMBIA GAS TRAN	
-C & C TROYER BROTHERS													
8147264	8507	3704921100	102-2	SCHLOSSER #1 (#27)	08/27/81	JA: PA			WATERFORD	15.0		NATIONAL FUEL GAS	
-C H SNYDER CO													
8147323	8817	3700522588	103	GRAFTON #15	08/27/81	JA: PA			GRAFTON	4.0		PEOPLES NATURAL G	
8147258	8819	3700500000	108	RICHEY #7	08/27/81	JA: PA			RICHEY	2.7		PEOPLES NATURAL G	
8147257	8818	3700500000	108	RICHEY #8	08/27/81	JA: PA			RICHEY	2.7		PEOPLES NATURAL G	
-CABOT OIL & GAS CORP													
8147271	8890	3703921152	102-2	HELEN DENNIS #2	08/27/81	JA: PA			FAIRFIELD	50.0		TENNESSEE GAS PIP	
8147269	8884	3703921205	102-2	JAMES HOLLABAUGH #1	08/27/81	JA: PA			WAYNE	50.0		TENNESSEE GAS PIP	
8147265	8769	3708520222	102-2	JOHN HELTZEL #1	08/27/81	JA: PA			FRENCH CREEK	50.0		TENNESSEE GAS PIP	
8147267	8876	3703921167	102-2	JOHN SCHNEIDER #2	08/27/81	JA: PA			FAIRFIELD	50.0		TENNESSEE GAS PIP	
8147270	8888	3703921106	102-2	MAURICE DICKSON #1	08/27/81	JA: PA			EAST FAIRFIELD	50.0		TENNESSEE GAS PIP	
8147268	8878	3703921116	102-2	STANLEY ROSPORSKI #1	08/27/81	JA: PA			FAIRFIELD	50.0		TENNESSEE GAS PIP	
8147266	8874	3703921180	102-2	STEVE STUREY #1	08/27/81	JA: PA			WAYNE	50.0		TENNESSEE GAS PIP	
-CASTLE GAS CO INC													
8147273	8854	3706324006	103	A CHURCH #1 (C-469)	08/27/81	JA: PA			YOUNG TOWNSHIP	65.0		INDUSTRIAL ENERGY	
8147283	8851	3706323267	108	C L ROSENSTEEL #1 (C-336)	08/27/81	JA: PA			YOUNG TOWNSHIP	6.0		PEOPLES NATURAL G	
8147282	8850	3706323268	108	C L ROSENSTEEL #2 (C-337)	08/27/81	JA: PA			YOUNG TOWNSHIP	6.0		PEOPLES NATURAL G	
8147281	8849	3706323283	108	C L ROSENSTEEL #3 (C-346)	08/27/81	JA: PA			YOUNG TOWNSHIP	9.6		PEOPLES NATURAL G	
8147278	8866	3706325420	103	FERO RICE #2 C-626	08/27/81	JA: PA			GREEN TOWNSHIP	70.0		COLUMBIA GAS TRAN	
8147277	8865	3706325709	103	FERO RICE #3 C-726	08/27/81	JA: PA			GREEN TOWNSHIP	70.0		COLUMBIA GAS TRAN	
8147276	8864	3706325708	103	FERO RICE #4 C-727	08/27/81	JA: PA			GREEN TOWNSHIP	70.0		COLUMBIA GAS TRAN	
8147198	8781	3706323424	103	G SHYERS #1 (PNG-5063)	08/27/81	JA: PA			GRANT TOWNSHIP	70.0		PEOPLES NATURAL G	
8147280	8868	3706325388	103	GERMAINE LENZ #1 C-631	08/27/81	JA: PA			GRANT TOWNSHIP	65.0		COLUMBIA GAS TRAN	
8147279	8867	3706325419	103	GERMAINE LENZ #2 C-630	08/27/81	JA: PA			GRANT TOWNSHIP	65.0		COLUMBIA GAS TRAN	
8147274	8855	3706324007	103	J BATISTIG #2 (C-468)	08/27/81	JA: PA			YOUNG TOWNSHIP	70.0		INDUSTRIAL ENERGY	
8147199	8782	3706323649	103	J E STITT #1 (PNG-5120)	08/27/81	JA: PA			GRANT TOWNSHIP	60.0		PEOPLES NATURAL G	
8147208	8852	3706322992	108	J HANCOCK #1 (C-288)	08/27/81	JA: PA			YOUNG TOWNSHIP	13.2		PEOPLES NATURAL G	
8147195	8778	3706324013	103	J HURLEY #2 (PNG-5244)	08/27/81	JA: PA			BLACKLICK TOWNSHIP	55.0		PEOPLES NATURAL G	
8147196	8779	3706324131	103	J HURLEY #4 (PNG-5261)	08/27/81	JA: PA			CENTER TOWNSHIP	60.0		PEOPLES NATURAL G	
8147272	8853	3706323989	103	J S STEWART #1 (C-464)	08/27/81	JA: PA			YOUNG TOWNSHIP	55.0		INDUSTRIAL ENERGY	
8147197	8780	3706323425	103	M E PREVITE #1 (PNG-5069)	08/27/81	JA: PA			GRANT TOWNSHIP	55.0		PEOPLES NATURAL G	
8147194	8777	3706323929	103	M FISHER #2 (PNG-5239)	08/27/81	JA: PA			GRANT TOWNSHIP	65.0		PEOPLES NATURAL G	
8147275	8863	3706325391	103	STANLEY WALLS #2 C-628	08/27/81	JA: PA			GRANT TOWNSHIP	65.0		COLUMBIA GAS TRAN	
8147192	8775	3706324058	103	T ALOISI #1 (PNG-5245)	08/27/81	JA: PA			YOUNG TOWNSHIP	75.0		PEOPLES NATURAL G	
8147193	8776	3706324172	103	T ALOISI #2 (PNG-5297)	08/27/81	JA: PA			YOUNG TOWNSHIP	75.0		PEOPLES NATURAL G	
8147205	8872	3706325479	103	T GREEN #1 C-629	08/27/81	JA: PA			GREEN TOWNSHIP	55.0		COLUMBIA GAS TRAN	
8147204	8871	3706326123	103	T GREEN #2 C-711	08/27/81	JA: PA			GREEN TOWNSHIP	55.0		COLUMBIA GAS TRAN	
8147203	8870	3706325480	103	T GREEN #3 C-632	08/27/81	JA: PA			GREEN TOWNSHIP	60.0		COLUMBIA GAS TRAN	
8147202	8869	3706325481	103	T GREEN #4 - C-633	08/27/81	JA: PA			GREEN TOWNSHIP	60.0		COLUMBIA GAS TRAN	
8147200	8783	3706324038	103	T H STUCHELL 1 (PAG-5243)	08/27/81	JA: PA			YOUNG TOWNSHIP	65.0		PEOPLES NATURAL G	
8147201	8784	3706324119	103	T H STUCHELL 2 (PAG-5257)	08/27/81	JA: PA			BLACKLICK TOWNSHIP	70.0		PEOPLES NATURAL G	
8147206	8789	3706325355	108	W E JARVIE #1 (PAG-5107)	08/27/81	JA: PA			GRANT TOWNSHIP	4.0		PEOPLES NATURAL G	
8147207	8790	3706323536	108	W E JARVIE #2 (PAG-5108)	08/27/81	JA: PA			GRANT TOWNSHIP	4.0		PEOPLES NATURAL G	
-CONSOLIDATED GAS SUPPLY CORPORATION													
8147211	8302	3706326172	102-2	GERTRUDE WILLIAMS UN-1841	08/27/81	JA: PA			HONTGOMERY	0.0		GENERAL SYSTEM PU	
8147215	8797	3705100000	108	J R SHILEY #1 UN-1491	08/27/81	JA: PA			SPRINGHILL TOWNSHIP	4.9		GENERAL SYSTEM PU	
8147212	8209	3706325956	103	JOSEPH BRESKIN UN-1825	08/27/81	JA: PA			HONTGOMERY	186.7		GENERAL SYSTEM PU	

PAGE 003

VOLUME 507

JD NO	JA	KT	MT NO	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8147284	8290		3706325956	102-2	JOSEPH BRESKIN	WN-1825	MONTGOMERY	186.7	GENERAL SYSTEM PU
8147213	8291		3706325918	103	JOSEPH BRESKIN	WN-1826	MONTGOMERY	132.1	GENERAL SYSTEM PU
8147285	8292		3706325918	102-4	JOSEPH BRESKIN	WN-1826	MONTGOMERY	0.0	GENERAL SYSTEM PU
8147214	8293		3706325951	103	JOSEPH BRESKIN	WN-1827	MONTGOMERY	250.6	GENERAL SYSTEM PU
8147287	8295		3706325951	102-2	JOSEPH BRESKIN	WN-1827	MONTGOMERY	250.6	GENERAL SYSTEM PU
8147209	8296		3703321039	102-2	JOSEPH D TONKIN	WN-1831	BURNSIDE	0.0	GENERAL SYSTEM PU
8147210	8298		3703321041	102-2	JOSEPH D TONKIN	WN-1832	BURNSIDE	0.0	GENERAL SYSTEM PU
8147288	8857		3706323177	108	LARRY W MCCULLOUGH	WN-1451	CANOE TOWNSHIP	19.6	GENERAL SYSTEM PU
8147286	8300		3706326180	102-4	SAMUEL POWELL	WN-1840	MONTGOMERY	0.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC					RECEIVED: 08/27/81	JA: PA			
8147218	6014		3703320878	108	B HOLLOWETER UNIT #1	K-C-23	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8147220	6016		3706521889	108	C ZIMMERMAN #1	K-C-38	UPPER DEVONIAN SAND	20.0	CONSOLIDATED GAS
8147217	6012		3706521824	108	E BONACCI #1	K-L-72	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS
8147219	6015		3703320870	108	J WELLS #1	K-C-22	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8147222	6535		3703320869	108	LESLIE CLOUSER #1	K-C-28	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8147216	5958		3706521890	108	LOUIS NOTTO #1	K-C-38	UPPER DEVONIAN SANDS	20.0	NATIONAL FUEL GAS
8147223	6537		3703320866	108	LULU E SEYLER #1	K-C-20	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8147289	8628		3706325808	102-2	ROBERT F HENRY	KA-65	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8147290	8629		3706326065	102-2	SPICHER(EDDINGTON)	KA-59	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8147221	6534		3703320863	108	T L BORCHERT #1	K-C-26	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
-DORAN & ASSOCIATES INC/ALDOR					RECEIVED: 08/27/81	JA: PA			
8147224	7548		3706323997	108	M HOOK #1	K-A-2	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
-EPSILON 1980 S T JOINT VENTURE					RECEIVED: 08/27/81	JA: PA			
8147225	8824		3703321026	103	V SPENCER #1			25.0	CONSOLIDATED GAS
-FAIRMAN DRILLING CO					RECEIVED: 08/27/81	JA: PA			
8147231	8816		3706323444	108	DONALD J SMITH NO 1	5074 F-1570	BLAIRSVILLE	7.0	PEOPLES NATURAL G
8147230	8815		3706323445	108	DONALD J SMITH NO 2	5075 F-1571	BLAIRSVILLE	20.0	PEOPLES NATURAL G
8147229	8814		3706323538	108	DONALD J SMITH NO 4	5077 F-1667	BLAIRSVILLE	11.0	PEOPLES NATURAL G
8147233	8828		3702120034	108	E ASSOC COAL CORP NO 1	4745 F-730	PINDLETON	3.0	PEOPLES NATURAL G
8147226	8803		3712520372	108	J W JELLYSON NO 1	4404-F-114	NEW ALEXANDRIA	16.0	PEOPLES NATURAL G
8147228	8813		3700521201	108	NELLIE C MARTIN NO 1	4634 F-517	SNYDERSVILLE	6.0	PEOPLES NATURAL G
8147227	8804		3706500000	108	RALPH BABARSKY NO 1	R-2011	RATHMEL	8.0	NATIONAL FUEL GAS
8147232	8827		3706323764	108	ROBERT W WATKINS NO 1	5164 F-1979	BLAIRSVILLE	18.0	PEOPLES NATURAL G
-FOX OIL & GAS INC					RECEIVED: 08/27/81	JA: PA			
8147234	8583		3706326142	103	J GASTON #4		MONTGOMERY	25.5	COLUMBIA GAS TRAN
-GLACIAL SAND & GRAVEL CO					RECEIVED: 08/27/81	JA: PA			
8147238	8833		3700500000	108	CARRYER #5		CARRYER	2.1	PEOPLES NATURAL G
8147291	8831		3700522565	103	COCHRAN #6		COCHRAN	4.0	PEOPLES NATURAL G
8147237	8831		3700500000	108	HANS #4		HANS	2.1	PEOPLES NATURAL G
8147235	8829		3700500000	108	PATTON #2		PATTON	2.1	PEOPLES NATURAL G
8147236	8830		3700500000	108	ZELLEFROM #3		ZELLEFROM	2.1	PEOPLES NATURAL G
-H D HOUGH AGENT					RECEIVED: 08/27/81	JA: PA			
8147239	8835		3706324920	108	W MCCAULEY WELL NO 2		MARION CENTER	6.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC					RECEIVED: 08/27/81	JA: PA			
8147294	8923		3706326031	103	ORVILLE M WATSON #3		WASHINGTON	0.0	T W PHILLIPS GAS
8147295	8924		3706326032	103	ORVILLE M WATSON #4		WASHINGTON	0.0	T W PHILLIPS GAS
-J C ENTERPRISES					RECEIVED: 08/27/81	JA: PA			
8147292	8925		3706326053	102-2	IND-26093 PETER CCLGAN ET AL	#158-1	CHERRY TREE	11.0	COLUMBIA GAS TRAN
8147293	8926		3706326094	102-2	IND-26094 G WILLIAMS ET AL	#159-1	CHERRY TREE	11.0	COLUMBIA GAS TRAN
-JAMES DRILLING CORP					RECEIVED: 08/27/81	JA: PA			
8147296	8383		3712941171	103	JOHN MCCULLOUGH WELL #1			33.0	PEOPLES NATURAL G
-KENNETH P MILLIKEN					RECEIVED: 08/27/81	JA: PA			
8147300	1797		3705960000	108	HARRIETT MCCANN WELL		SUGAR GROVE	7.0	CARNEGIE NATURAL

VOLUME 507

PAGE 004

JU NO	JA	KT	ST I NO	D SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-LAKE ERIE #1	8147240	6731	3704900000	103	RECEIVED: 08/27/81	LOUIS BECK #80-19 PA PER ERI-21140	CONNEAUT	0.0	COLUMBIA GAS TRAN
-MERIDIAN EXPLORATION CORP.	8147299	8916	3704921211	102-2	RECEIVED: 08/27/81	DONALD A FOX #541-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
	8147241	8796	3704921256	102-2		FOINBORO GRAVEL #2-561	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
	8147297	8913	3704921212	102-2		N SMITH #542-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
	8147298	8915	3704921068	102-2		O CONNOR #535-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
-MERIDIAN OIL & GAS ENT INC	8147245	6703	3703920882	103	RECEIVED: 08/27/81	FRANK W NEAL WELL #1	CONNEAUT	15.0	NATL FUEL GAS DIS
	8147243	8676	3703940840	103		JOSIPH L VERGARA WELL #1	CONNEAUT	20.0	NATL FUEL GAS DIS
	8147242	8475	3703920839	103		SELMA K HACKWORTH WELL #1-A	CONNEAUT	20.0	NATL FUEL GAS DIS
-MITCHELL ENERGY CORPORATION	8147244	8677	3703940844	103	RECEIVED: 08/27/81	STAGL #1-66	CONNEAUT	45.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP	8147246	8822	3708338131	108	RECEIVED: 08/27/81	ALLEGHENY NATIONAL FOREST X-213	ELK COUNTY (ROYSTONE)	1.8	
-NORTHWEST NATURAL GAS CO	8147301	8806	3703920812	103	RECEIVED: 08/27/81	ANDREW & CLARA COBLENTZ #1	CONNEAUT	0.0	NATIONAL FUEL DIS
	8147303	8358	3703920850	103		ARTHUR HELMBRECK	CONNEAUT	0.0	NATIONAL FUEL DIS
	8147302	8907	3703920859	103		CALVIN & GEORGEANNE FRAWLEY	CONNEAUT	0.0	NATIONAL FUEL DIS
	8147306	8811	3703920707	103		FRED & JEANNE MOON #1	CONNEAUT	0.0	NATIONAL FUEL DIS
	8147307	8812	3703920942	103		JOHN HEPAP SR #1	CONNEAUT	0.0	NATIONAL FUEL DIS
	8147304	8809	3703920818	103		JOSEPH & BARBARA NEIDERMEYER	CONNEAUT	0.0	NATIONAL FUEL DIS
	8147305	8810	3703920817	103		RUDOLPH H & LENA LEHARDT	CONNEAUT	0.0	NATIONAL FUEL DIS
-PEMCO GAS INC	8147320	8904	3700520729	108	RECEIVED: 08/27/81	A F DEEHER NO 1 ARM 729	W PA UPPER DEVONIAN SAND	5.0	PEOPLES NATURAL G
	8147319	8903	3700520708	108		A F DEEHER NO 2 ARM 708	W PA UPPER DEVONIAN SAND	5.0	PEOPLES NATURAL G
	8147318	8912	3700520730	108		A F DEEHER NO 3 ARM 730	W PA UPPER DEVONIAN SAND	5.0	PEOPLES NATURAL G
	8147321	8905	3700520599	108		B L CONNER NO 3 ARM 599	W PA UPPER DEVONIAN SAND	4.5	PEOPLES NATURAL G
	8147317	8901	3700521651	108		GUY DILICK #1 ARM 21651-D	W PA UPPER DEVONIAN SAND	11.5	PEOPLES NATURAL G
	8147316	8900	3700520637	108		GUY DILICK NO 2 PERMIT ARM 637	W PA UPPER DEVONIAN SAND	8.9	PEOPLES NATURAL G
	8147311	8894	3700500000	108		JOHN EVANTHER NO 1	W PA UPPER DEVONIAN SAND	3.5	PEOPLES NATURAL G
	8147308	8891	3700521472	108		JOHN H RALSTON #2 ARM 1472	W PA UPPER DEVONIAN SAND	6.6	PEOPLES NATURAL G
	8147312	8845	3700520416	108		OWEN SMELTZER NO 1 ARM 416-R	W PA UPPER DEVONIAN SAND	7.0	PEOPLES NATURAL G
	8147309	8892	3700521445	108		RALSTON #1	W PA UPPER DEVONIAN SAND	6.6	PEOPLES NATURAL G
	8147310	8893	3700521141	108		STEFANIK NO 1 ARM 1141-R	W PA UPPER DEVONIAN SAND	4.0	PEOPLES NATURAL G
	8147315	8899	3700520663	108		W E GEIGER NO 1 ARM 663-R	W PA UPPER DEVONIAN SAND	12.6	PEOPLES NATURAL G
	8147314	8898	3700520126	108		W E GEIGER NO 2 ARM 126	W PA UPPER DEVONIAN SAND	4.2	PEOPLES NATURAL G
	8147313	8897	3700520184	108		W E GEIGER NO 3 ARM 164	W PA UPPER DEVONIAN SAND	4.2	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO	8147322	8878	3706324770	108	RECEIVED: 08/27/81	ARTHUR E LINDENBERG ET UX #1	WARREN (GRUNDER RUN)	10.0	COLUMBIA GAS TRAN
	8147248	8374	3706325902	103		ELMER G HANDTE #1	WARREN (GRUNDER RUN)	35.0	
	8147249	8537	3706326226	103		GREGORY S CORNHAN ET UX #1	WARREN (GRUNDER RUN)	25.0	
	8147251	3671	3706522310	103		RONALD A BAIR ET UX ET AL #1	WARREN (GRUNDER RUN)	25.0	
	8147250	8670	3706522312	103		RUSSELL ADAMS ET UX #1	WARREN (GRUNDER RUN)	0.4	NATIONAL FUEL GAS
-QUAKER STATE OIL REFINING CORP	8147255	8840	3712326810	108	RECEIVED: 08/27/81	PIERCE 01	CANGE	0.0	T W PHILLIPS GAS
	8147252	8837	3712327108	108		PIERCE 016		4.5	PEOPLES GAS CO
	8147254	8839	3712327109	108		PIERCE 017			
	8147253	8838	3712327110	108		PIERCE 018			
-RENNIE KELLY ENTERPRISES	8147256	8014	3706323938	103	RECEIVED: 08/27/81	MIKE YANKASKY #1 (10A)	WARREN (GRUNDER RUN)	0.4	NATIONAL FUEL GAS
-ROY A ORR	8147247	8835	3706320420	108	RECEIVED: 08/27/81	ROY A ORR WELL #2	WARREN (GRUNDER RUN)	0.4	NATIONAL FUEL GAS

JD NO	JACK	CI NO	C SEC	CAT	WELL NAME	FIELD NAME	VOLUME	507	FRGL	PAGE	005	PURCHASER
UNION DRILLING INC												
8147324	8798	3706326105	103	RECEIVED: 08/27/81	JAS: PA	RAYNE TOWNSHIP				0.0	COLUMBIA GAS TRAN	
8147327	8801	3706326104	103	MABEL WISSINGER #2	- 0738	RAYNE TWP				0.0	COLUMBIA GAS TRAN	
8147328	8802	3706326130	103	MABEL WISSINGER #3	0739	CENTER TOWNSHIP				0.0	COLUMBIA GAS TRAN	
8147325	8799	3706326131	103	MCFEATERS TRACT #2	- 0734	CENTER TOWNSHIP				0.0	COLUMBIA GAS TRAN	
8147326	8800	3706326142	103	MCFEATERS TRACT #3	- 0735	CHERRYHILL TWP				0.0	COLUMBIA GAS TRAN	
VICTORY DEVELOPMENT CO												
8147333	8659	3706300000	108	RECEIVED: 08/27/81	JAS: PA	ALBERT MILLER				3.0	PEOPLES NATURAL G	
8147337	8663	3700500000	108	ALBERT MILLER #1		ALTMAN				6.0	PEOPLES NATURAL G	
8147332	8657	3706300000	108	BEERS #1		BEERS				3.0	PEOPLES NATURAL G	
8147331	8656	3706300000	108	BEERS #2		BEERS				4.2	PEOPLES NATURAL G	
8147329	8907	3703321056	102-2	EINSIG #1	CLE-21056	BARRY D EINSIG				18.0	COLUMBIA GAS TRAN	
8147338	8664	3706300000	108	GEORGE #1		GEORGE				4.0	PEOPLES NATURAL G	
8147334	8660	3700500000	108	MCCLAFFERTY		MCCLAFFERTY				3.0	PEOPLES NATURAL G	
8147336	8662	3700500000	108	STUBRICH		STUBRICH				1.8	PEOPLES NATURAL G	
8147330	8656	3706320693	108	STUBRICH		BEERS				3.5	PEOPLES NATURAL G	
8147335	8661	3700500000	108	VICTORY DEVELOPMENT COMPANY	IND-693	WILLIAMS				7.5	PEOPLES NATURAL G	
VINEYARD OIL & GAS CO												
8147260	8643	3704921264	103	RECEIVED: 08/27/81	JAS: PA	AKINS #1 NORTH EAST				12.0	NATIONAL FUEL GAS	
8147259	8464	3704921265	102-2	AKINS #1 E#		OBERLANDER #1				24.0	NATIONAL FUEL GAS	
WAINOCO OIL & GAS CO												
8147339	8680	3703921099	102-2	RECEIVED: 08/27/81	JAS: PA	ATHENS				27.0	COLUMBIA GAS TRAN	
WILLIAM C WOOD												
8147341	8842	3700500000	108	ANTONI W PELC NO 2	(U-93)					0.9	PEOPLE NATURAL GA	
8147340	8841	3700500000	108	RECEIVED: 08/27/81	JAS: PA					0.9	PEOPLE NATURAL GA	
8147342	8843	3700500000	108	J F MCHENRY WELL						0.9	PEOPLE NATURAL GA	
			108	JOHN M SCHRECKENGOST WELL								
			108	W J BARGERSTOCK #1								

BILLING CODE 0450-05-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 6, 1981.

Categories within each NGPA section are indicated by the following codes:

Section

- 102-1: New OCS lease
- 101-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation
- 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-27337 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

**[Volume 508]**

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

**Issued:**

JOB NO	JA INT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROU	PURCHASER
*****							
TEXAS RAILROAD COMMISSION							
*****							
-AMERICAN PETROLEUM COMPANY OF TEXAS							
8147510	F-02-038977	4217531350	103	D M REED #4	CABEZA CREEK S (COOK HT	5.0	UNITED GAS PIPE L
*****							
-AMERICAN QUASAR PETROLEUM CO							
8147393	F-08-033742	4238931129	107-TF	WORSHAM 1-17	SEC 17 BLK 6 H2GN RR CO	0.0	INTRATEX GAS CO
*****							
-AMOCO PRODUCTION CO							
8147478	F-08-038805	4213353359	102-4	DAVID FASKEN BH #1	FASKEN SOUTH (STRAWN)	49.3	AMOCO PRODUCTION
8147477	F-08-038804	42133533478	103	GOLDSWORTH LANDRETH (DEEP)	GOLDSWORTH (CLEARFORK)	146.7	PHILLIPS PETROLEU
8147495	F-08-038455	42133533443	103	GOLDSWORTH LANDRETH (DEEP)	GOLDSWORTH (CLEARFORK)	51.8	PHILLIPS PETROLEU
8147446	F-08-038456	42121932955	103	WEST RKM UNIT #248	SLAUGHTER	9.5	AMOCO PRODUCTION
*****							
-ARCO OIL AND GAS COMPANY							
8147494	F-10-038871	42179300860	103	MCLAUGHLIN NO 10	PANHANDLE GRAY COUNTY	73.0	PHILLIPS PETROLEU
8147435	F-10-038139	4223330784	103	S PRITCHARD C NO 2	PANHANDLE WEST	182.5	PANHANDLE EASTERN
8147506	F-10-038961	4229530733	103	STM PAINE NO 3	BRACFORD (CLEVELAND)	182.5	NORTHERN NATURAL
8147378	F-04-031542	42215303986	103	W R MONTGOMERY #2	SAN SALVADOR (6800)	72.0	TENNESSEE GAS PIP
*****							
-BOB T MILLER							
8147366	F-7B-030149	42429000000	103	HARRIS A #15360	WAYLAND (DUFFER)	170.0	WARREN PETROLEUM
*****							
-BORDER EXPLORATION CO							
8147420	F-01-037776	4232331641	103	A T GILL G U #1	EL INDIO (OLMOS A-4)	78.0	TEJAS GAS CORP
*****							
-BRIDGELL OIL CO							
8147492	F-09-038864	4207732013	103	SCALING RANCH P #15	LAZY B (STRAWN)	6.0	FAGADAU ENERGY CO
8147493	F-09-038865	4207731854	103	SCALING RANCH P #9	LAZY B (STRAWN)	6.0	FAGADAU ENERGY CO
*****							
-C F LAWRENCE & ASSOC INC							
8147354	F-08-025974	4237100000	103	WRIGHT #1 #88625	FT STOCKTON S (QUEEN)	0.0	EL PASO NATURAL G
*****							
-CASSELL OIL CO							
8147442	F-7B-038345	4204900000	103	O B RYRD NO 3	BRWN COUNTY REGULAR	0.0	ODESSA NATURAL CO
*****							
-CHAMPLIN PETROLEUM COMPANY							
8147388	F-04-032887	4235531540	103	CARVER ESTATE A NC 2	AGUA DULCE	62.0	TENNESSEE GAS PIP
8147417	F-04-036921	4235500000	108	ELIFF J S ETAL #6	AGUA DULCE	14.5	TENNESSEE GAS PIP
8147396	F-04-034545	4235531791	103	TEXON ROYALTY CO #4	WILDCAT	0.0	TENNESSEE GAS PIP
*****							
-COLA PETROLEUM INC							
8147496	F-7C-038878	4238331640	103	GORDON 138 #2	CALVIN (DEAN)	0.0	UNION TEXAS PETRO
*****							
-CONOCO INC							
8147502	F-08-038917	4249531327	103	R F JENKINS A-12-H17 ID #15049	KEYSTONE	13.3	SID RICHARDSON GA
*****							
-DELTA DRILLING CO							
8147370	F-06-020833	4236500000	102-2	DELTA NETCALF #1	BECKVILLE NORTH (COTTON	0.0	NATURAL GAS PIPEL
8147370	F-06-030333	4236500000	107-TF	DELTA NETCALF #1	BECKVILLE NORTH (COTTON	0.0	NATURAL GAS PIPEL
*****							
-DIAMOND SHAHROCK CORPORATION							
8147347	F-10-02046	4221130509	103	ARTHUR WEBB T NO 2	MENCOTA N W	159.0	NATURAL GAS PIPEL
8147469	F-10-038758	4239300000	108	L A MADDOX NO 11	QUINDUNO	1.0	NATURAL GAS PIPEL
8147468	F-10-038758	4239300000	108	L A MADDOX NO 13	QUINDUNO	1.0	NATURAL GAS PIPEL
8147467	F-10-038756	4239200000	108	L A MADDOX NO 15	QUINDUNO	1.0	NATURAL GAS PIPEL

JO#	NO	JA	KT	1	AC	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8147466	F-10-038755	4239300000	108	L A MADDOX NO 17	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147465	F-10-038754	4239300000	108	L A MADDOX NO 18	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147464	F-10-038753	4239300000	108	L A MADDOX NO 20	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147462	F-10-038751	4239300000	108	L A MADDOX NO 21	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147463	F-10-038752	4239300000	108	L A MADDOX NO 22	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147461	F-10-038750	4239300000	108	L A MADDOX NO 24	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147460	F-10-038749	4239300000	108	L A MADDOX NO 25	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147459	F-10-038748	4239300000	108	L A MADDOX NO 32	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147458	F-10-038747	4239300000	108	L A MADDOX NO 35	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147457	F-10-038746	4239300000	108	L A MADDOX NO 37	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147472	F-10-038761	4239300000	108	L A MADDOX NO 4	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147471	F-10-038760	4239300000	108	L A MADDOX NO 6	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147470	F-10-038759	4239300000	108	L A MADDOX NO 7	QUINDUNO	1.0	NATURAL GAS PIPEL					
8147456	F-10-038744	4223300000	108	SALLIE PRITCHARD NO 7	PANHANDLE	1.0	NORTHERN NATURAL					
8147454	F-10-038742	4223300000	108	STEWART NO 1	PANHANDLE	0.3	NORTHERN NATURAL					
8147455	F-10-038743	4223300000	108	STEWART NO 17	PANHANDLE	0.3	NORTHERN NATURAL					
RECEIVED: 08/27/81										JAS: TX		
NATURAL GAS COMPANY												
8147359	F-10-027986	4217923650	108	BEASLEY #1	PANHANDLE WEST	2.0	EL PASO NATURAL G					
8147360	F-10-028976	4217923695	108	BEASLEY A #1	PANHANDLE WEST	25.0	EL PASO NATURAL G					
8147356	F-10-026794	4217923698	108	COFFIELD #1	PANHANDLE WEST	4.0	EL PASO NATURAL G					
8147372	F-10-030869	4217923699	108	COUSINS #1	PANHANDLE - WEST	7.0	EL PASO NATURAL G					
8147358	F-10-027985	4217923702	108	DARSEY #2	PANHANDLE WEST BROWN DOL	21.0	EL PASO NATURAL G					
8147353	F-10-025896	4217923703	108	DWYER #1	PANHANDLE WEST BROWN DOLO	44.0	EL PASO NATURAL G					
8147373	F-10-020870	4217923712	108	HERRINGTON #1	WEST PANHANDLE	31.0	EL PASO NATURAL G					
8147357	F-10-027982	4217923763	108	YONES A #1	PANHANDLE WEST	15.0	EL PASO NATURAL G					
RECEIVED: 08/27/81										JAS: TX		
ENERGY RESERVES GROUP INC												
8147441	F-7C-038305	4223500000	108	ELA C SUGG C #1	SPRABERRY (TREND AREA)	9.0	NORTHERN NATURAL					
8147438	F-7C-038302	4223500000	108	ELA C SUGG D #3	SPRABERRY (TREND AREA)	9.0	NORTHERN NATURAL					
8147443	F-04-038360	4235500000	108	J A THOMPSON #12	RIVERSIDE E (6100)	9.7	TENNESSEE GAS PIP					
8147440	F-7C-038304	4238300000	108	O L GREER #1	CALVIN (DEAN)	11.6	UNION TEXAS PETRO					
8147439	F-7C-038303	4238300000	108	O L GREER #7	CALVIN (DEAN)	11.6	UNION TEXAS PETRO					
8147444	F-04-038381	4235500000	108	THOMPSON GAS UNIT 23 #1	RIVERSIDE E (2200)	9.8	TENNESSEE GAS PIP					
RECEIVED: 08/27/81										JAS: TX		
ENCERCH EXPLORATION INC												
8147387	F-09-032611	4249732045	103	E L VAUGHT NG 2	BOONSVILLE	69.0	LONE STAR GAS CO					
RECEIVED: 08/27/81										JAS: TX		
EXXON CORPORATION												
8147453	F-04-038731	42273331424	103	K R BORREGOS 552 (06544)	DORREGOS (COMBINED ZONES	10.0	ARMCO STEEL CORP					
8147449	F-04-038634	42273331196	102-4	K R VISHAGA 14 (77803)	YEARY (I-51)	800.0	ARMCO STEEL CORP					
8147436	F-04-038174	4213100000	108	P E WHITE B #19 (01700)	LUNDALL (PETTUS)	3.0	TENNESSEE GAS PIP					
RECEIVED: 08/27/81										JAS: TX		
FISHER-WEBB INC												
8147507	F-7C-038971	4208130993	103	HARRIS D NO 2	BLOODWORTH SOUTH (5700 S	100.0	SUN GAS CO DIVISI					
RECEIVED: 08/27/81										JAS: TX		
FOY BOYD MANAGEMENT CORP												
8147490	F-08-030855	4247532224	103	PITZER #4	PITZER N (CHERRY CANYON)	15.8	NORTHERN NATURAL					
RECEIVED: 08/27/81										JAS: TX		
GETTY OIL COMPANY												
8147413	F-08-036589	4247500000	103	J F HATHAWAY WELL NC 1-P	ESTES BLOCK 34 (PENN) FI	620.0						
RECEIVED: 08/27/81										JAS: TX		
GRACE PETROLEUM CORPORATION												
8147452	F-06-038730	4235530803	103	CHACWICK 1-T	CARTHAGE (COTTON VALLEY)	264.0	UNITED GAS PIPELI					
RECEIVED: 08/27/81										JAS: TX		
GULF OIL CORPORATION												
8147407	F-10-034849	4223330819	103	C L DIAL #276	PANHANDLE HUTCHINSON	18.0	PHILLIPS PETROLEU					
8147504	F-08-038935	4213533616	103	GOLDSNITH SAN	PANHANDLE HUTCHINSON	12.0	PHILLIPS PETROLEU					
RECEIVED: 08/27/81										JAS: TX		
HNG OIL COMPANY												
8147505	F-7C-038943	4243532459	103	SHURLEY 123-5A	SAWYER (CANYON)	540.0	INTRATEX GAS CO					
8147505	F-7C-038943	4243532459	107-1F	SHURLEY 123-5A	SAWYER (CANYON)	540.0	INTRATEX GAS CO					
RECEIVED: 08/27/81										JAS: TX		
HORIZON OIL & GAS CO OF TEXAS												

VOLUME 508

PAGE 003

JD	NO	JA	IKT	AFI	NO	SEC	CAT	WELL	NAME	RECEIVED	DATE	UNIT	PROD	PURCHASER
8147382	F-10-032021	4219530081			108	#1	JARVIS							
HUMBLE EXPLORATION CO INC														
8147369	F-03-030829	4228730798			102-2	VLASTA	SIMEK	UNIT - 13614						
8147369	F-03-030829	4228730798			103	VLASTA	SIMEK	UNIT - 13614						
8147383	F-03-032036	4214930725			103-2	WILLIE	MAE	DRISDALE #1 - 13957						
8147383	F-03-032036	4214930725			103	WILLIE	MAE	DRISDALE #1 - 13957						
HUNT OIL COMPANY														
8147481	F-06-036828	4221330293			103	FAIRWAY	(JAMES	LINE) UNIT #543-2						
-J CLEO THOMPSON														
8147419	F-7C-037721	4243532454			103	MAYER	A #5							
8147419	F-7C-037721	4243532454			107-TF	MAYER	A #5							
-JAMES B HARBIN														
8147414	F-7B-036656	4208300000			108	BURGER	BROWN	31104						
8147415	F-7B-036659	4208300000			108	HOSCH	ESTATE	49342						
-JOMAC OIL CO														
8147343	F-10-011821	4223300000			108	RED	ROCK #1	01321						
-JONES CO														
8147482	F-7B-038834	4205532123			102-4	FINLEY	11	(83193)						
8147497	F-7B-038885	4205932466			103	FINLEY	65	#1 (17156)						
-K L H OIL & GAS INC														
8147498	F-7B-038890	4204932582			102-4	H C	WILLIAMS	#2 (52774)						
8147499	F-7B-038891	4204932578			102-4	O B	FOMBY	#3 (16890)						
-KERR-MCGEE CORPORATION														
8147392	F-10-033487	4221131228			107-DP	REGERT	7	WELL NO 1						
8147488	F-10-038853	4223330830			103	COCKRELL	NO 29							
8147487	F-10-038850	4223330842			103	PITTS	# 120							
-LADD PETROLEUM CORPORATION														
8147495	F-7C-038876	4210533121			103	C C	MONTGOMERY	2-5						
8147495	F-7C-038876	4210533121			107-TF	C C	MONTGOMERY	2-5						
-LIVELY ENERGY CO														
8147376	F-7C-030980	4243500000			103	ALDWELL	RANCH	#11-1 / 90631						
-LOUISIANA LAND & EXPLORATION CO														
8147381	F-06-031986	4222530356			102-4	H C	TAYLOR	NO 1						
-MADDUX OIL & GAS														
8147491	F-7B-038861	4236332480			103	W D	LEE	NO 1						
-MCCORMICK OPERATING CO														
8147361	F-06-029023	4240131012			103	VINSON	GAS	UNIT NO 3						
8147361	F-06-029023	4240131012			107-TF	VINSON	GAS	UNIT NO 3						
-MCCULLOCH OIL CORP OF TEXAS														
8147345	F-10-019958	4221131166			103	MATHERS	RANCH	NO 40						
-MEF OIL CORP														
8147395	F-08-034543	4231732294			103	KELLY	#1							
8147386	F-08-032528	4231732177			103	LITTLETON	#1							
8147397	F-08-034658	4231732225			103	MCCRARY	#1							
8147398	F-7C-034667	4246131665			103	HEINER	A #1							
8147399	F-7C-034668	4246131670			103	NEAL	#1							
8147400	F-7C-034669	4246131671			103	NEAL	#2							
-MITCHELL ENERGY CORPORATION														
8147346	F-03-020545	4232130924			103	C B	HARRIMAN	#2						
8147410	F-7B-036360	4213300000			108	C J	CONNOR	#3 61228						
8147352	F-09-025612	4249700000			108	FLOIS	CROWNOVER	#2 52843						
8147365	F-09-030025	4249731910			103	H J	DEAVERS	#15						
8147344	F-09-019604	4249700000			108	J G	MONTFORD	#1 40684						

PAGE 004

VOLUME 508

JL NO	JA	KT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PRCL	PURCHASER
8147364	F-78-029434		4236731929	103	J T BAKER #2	SANDRA K (STRAWN)	60.0	SOUTHWESTERN GAS
8147377	F-78-031197		4249731957	103	JUNE GRIFFITH NO 2	RHONE (ATOKA)	150.0	NATURAL GAS PIPEL
8147371	F-09-030854		4249731802	103	W A HUTCHESON #2-C	BOONSVILLE (BEND CONGL G	200.0	NATURAL GAS PIPEL
8147408	F-09-034884		4249731839	103	WAGGONER (HAYNARD) #22	BOONSVILLE (BEND CONGL G	100.0	NATURAL GAS PIPEL
-MONSANTO COMPANY					RECEIVED: 08/27/81			
8147474	F-08-038796		4200332447	103	FISHER #7	SHAFTER LAKE	15.0	PHILLIPS PETROLEU
8147476	F-08-038800		4249531316	103	GREEN #1	MONAHANS N E (PENN DET U	20.0	EL PASO NATURAL G
8147475	F-08-038799		4200332567	103	UNIVERSITY 14-18 #5	SHAFTER LAKE (SAN ANDRES	2.0	PHILLIPS PETROLEU
8147473	F-08-038797		4200332566	103	UNIVERSITY 14-18 #6	SHAFTER LAKE (SAN ANDRES	2.0	PHILLIPS PETROLEU
-MONTERREY PETROLEUM CORP					RECEIVED: 08/27/81			
8147401	F-04-034740		4247932779	103	BLOCKER RANCH (SEC 1846)	GOLD RIVER NORTH (OLMOS)	100.0	DELHI GAS PIPELIN
8147402	F-04-034741		4247932595	103	BLOCKER RANCH (SEC 1853)	GOLD RIVER NORTH (OLMOS)	95.0	DELHI GAS PIPELIN
8147403	F-04-034743		4247932775	103	BLOCKER RANCH A #7 (NA)	GOLD RIVER NORTH (OLMOS)	346.0	DELHI GAS PIPELIN
8147406	F-04-034746		4247932771	103	BLOCKER RANCH B #8 (NA)	GOLD RIVER NORTH (OLMOS)	360.0	DELHI GAS PIPELIN
8147404	F-04-034744		4247932770	103	BLOCKER RANCH C #9 (NA)	GOLD RIVER NORTH (OLMOS)	70.0	DELHI GAS PIPELIN
8147405	F-04-034745		4247932769	103	BLOCKER RANCH D #10 (NA)	GOLD RIVER NORTH (OLMOS)	300.0	DELHI GAS PIPELIN
-HOSBACHER PRODUCTION CO					RECEIVED: 08/27/81			
8147489	F-01-038854		4217730768	102-2	MORGAN W HILLS UNIT WELL NO 1	PEACH CREEK (AUSTIN CHAL	11.0	VALERO TRANSMISSI
-HR OIL CO					RECEIVED: 08/27/81			
8147503	F-08-038932		4247500000	103	DORR NO 11 #25917	WARD SOUTH	78.0	DELHI GAS PIPELIN
-OCEAN MINERALS INC					RECEIVED: 08/27/81			
8147350	F-7C-025338		4210532605	103	UNIVERSITY 5 24-29	INGHAM/QUEEN	73.0	SOUTHWESTERN GAS
-PENNZOIL COMPANY					RECEIVED: 08/27/81			
8147437	F-7C-038273		4241500000	108	THOMERSON NO 1 19366	TOE NAIL (HARKEY)	18.0	ARCO OIL & GAS CO
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 08/27/81			
8147389	F-10-033264		4242100000	108	CAMER #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
8147368	F-10-030348		4242100000	108	CINDY #1	TEXAS HUGOTON	15.0	MICHIGAN WISCONSI
8147391	F-10-033376		4235731075	103	ROOTS D #2	OUTCHER CLEVELAND	0.0	PANHANDLE EASTERN
8147390	F-10-033375		4223330955	103	YAKE G #11	PANHANDLE HUTCHINSON	0.0	EL PASO NATURAL G
-PHS CO					RECEIVED: 08/27/81			
8147411	F-02-036088		4225500000	103	WILLIAM H PYLE JR NO 2	ATKINSON (KLINGEMAN)	17.0	VALERO TRANSMISSI
-RICHEY EXPLORATION CO					RECEIVED: 08/27/81			
8147409	F-09-035791		4249732025	103	CHARLES PITTS NO 1	GAS FINDERS (CONGL)	109.0	DELHI GAS PIPELIN
-SHELL OIL CO					RECEIVED: 08/27/81			
8147479	F-04-038806		4250531371	102-4	G G HINOJOSA NO 4	RANDADO RANCH (QUEEN CIT	2.0	
8147394	F-10-033906		4221131256	103	HOBART RANCH 770	HENPHILL (GRANITE WASH)	406.6	CITIES SERVICE GA
8147379	F-8A-031610		4216531863	103	STARK TO -B- NO 2	ROBERTSON N (SAN ANDRES)	2.2	PHILLIPS PETROLEU
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 08/27/81			
8147418	F-01-036091		4218700000	108	C KNOBLOCH NO 30	DARST CREEK (BUDA)	0.7	PHILLIPS PETROLEU
8147412	F-8A-036483		421933026	103	C V NEWSON #3	LEVELAND	11.7	AMOCO PRODUCTION
-SWEETWATER DRILLING CO INC					RECEIVED: 08/27/81			
8147485	F-7P-013848		4236332185	103	ORAN-PATTON A #1 (85020)	ORAN N E (CONGL) FIELD	730.0	CITIES SERVICE CO
-TAUBERT & STECO					RECEIVED: 08/27/81			
8147384	F-8A-032321		4226930366	102-4	S B BURNETT ESTATE GG 1	BIG-S-(STRAWN)	2.6	LONE STAR GAS CO
8147385	F-8A-035322		4226930388	102-4	S B BURNETT ESTATE GG 2	BIG-S-(STRAWN)	2.1	LONE STAR GAS CO
-TEXACO INC					RECEIVED: 08/27/81			
8147484	F-8A-038845		4221932923	103	ROB SLAUGHTER BLOCK #330	SLAUGHTER	14.0	SLAUGHTER GASOLIN
8147509	F-08-038976		4247532261	103	STATE GAS UNIT E #4	CAPRITO (DELAWARE HIDDLE	274.0	WESTAR TRANSMISSI
8147508	F-08-038975		4247532166	103	STATE OF TEXAS DC #7	CAPRITO (DELAWARE HIDDLE	74.0	WESTAR TRANSMISSI
-TEXAS OIL & GAS CORP					RECEIVED: 08/27/81			
8147355	F-05-026083		4229330498	103	THOMPSON F #1	OLETHA SW (RODESSA)	300.0	TEXAS UTILITIES F
-TEXLAND-RECTOR & SCHUMACHER					RECEIVED: 08/27/81			
8147451	F-7D-038728		42221305P5	103	DAVE KLIMIST #1	GRANBURY N (STRAWN)	94.0	SOUTHWESTERN GAS

VOLUME 508

PAGE 005

JD No.	JO INT	SPI LG	D SEC CAT WELL NAME	RECEIVED: 08/27/81	JA: TX	FIELD NAME	PROD	PURCHASER
-THOMAS-PONELL ROYALTY INC								
8147486	F-7C-038849	4239931650	102-4 MIKESKA # 1-U (08628)	RECEIVED: 08/27/81	JA: TX	WINGATE N W (GRAY) UPPER	96.0	UNION TEXAS PETRO
-TIERRA PETROLEUM CORP								
8147363	F-04-029374	4204700000	103 C F HOPPER #2	RECEIVED: 08/27/81	JA: TX	SCOTT & HOPPER	5.6	VALERO INTERSTATE
-TIPPERARY OIL AND GAS CORP								
8147421	F-01-037822	4216331576	103 RUERGER A #1	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	5.5	TGP INC
8147430	F-01-038044	4216331755	103 ENGLISH #4	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	14.0	TGP INC
8147431	F-01-038045	4216331785	103 ENGLISH #5	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	13.0	TGP INC
8147426	F-01-038035	4216331724	103 HARRIS D #5	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	12.8	TGP INC
8147427	F-01-038040	4216331737	103 HARRIS D #6	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	7.3	TGP INC
8147428	F-01-038041	4216331777	103 HARRIS D #7	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	7.3	TGP INC
8147429	F-01-038042	4216331784	103 HARRIS D #8	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	15.7	TGP INC
8147425	F-01-037966	4216331668	103 HARRIS F #3	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	6.0	TGP INC
8147424	F-01-037965	4216331669	103 HARRIS F #4	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	15.0	TGP INC
8147422	F-01-037963	4216331754	103 HARRIS F #7	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	11.0	TGP INC
8147423	F-01-037964	4216331779	103 HARRIS F #8	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	15.7	TGP INC
8147434	F-01-038048	4216300000	103 PATTIE THOMPSON #7	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	7.7	TGP INC
8147433	F-01-038047	4216300000	103 PATTIE THOMPSON #8	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	26.0	TGP INC
8147432	F-01-038046	4216300000	103 PATTIE THOMPSON #5	RECEIVED: 08/27/81	JA: TX	PEARSALL (AUSTIN CHALK)	4.0	TGP INC
-UNION EXPLORATION								
8147483	F-7B-038835	4205933029	102-4 ROGERS -C-#1(93450)	RECEIVED: 08/27/81	JA: TX	BOUNE N (CADD0)	300.0	LONE STAR GAS CO
-UNION TEXAS PETROLEUM								
8147380	F-08-031870	4238931103	107-0P CHAPARRAL NO 1	RECEIVED: 08/27/81	JA: TX	GULL-WILDCAT	2555.0	
-W & W PETROLEUM								
8147367	F-7B-038204	4213331225	108 WHITESIDE #2 (76143)	RECEIVED: 08/27/81	JA: TX	MCCUISION (MARBLE FALLS)	20.0	LONE STAR GAS CO
-WARREN PETR CO A DIV OF GULF OIL CO								
8147448	F-08-038526	4210332530	103 C EDWARDS JR ET AL A NO 10	RECEIVED: 08/27/81	JA: TX	ARMER (6350)	10.0	EL PASO NATURAL G
8147447	F-08-038525	4210332527	103 C EDWARDS JR ET AL A NO 11	RECEIVED: 08/27/81	JA: TX	ARMER (6350)	13.0	EL PASO NATURAL G
-WAYMAN W BUCHANAN								
8147501	F-03-038896	4214930874	102-2 J A MORGAN R NO 1	RECEIVED: 08/27/81	JA: TX	GIDDINGS (AUSTIN CHALK)	87.0	PHILLIPS PETROLEU
8147500	F-03-038895	4214930870	102-2 J A MORGAN C NO 1	RECEIVED: 08/27/81	JA: TX	GIDDINGS (AUSTIN CHALK)	21.6	PHILLIPS PETROLEU
8147480	F-03-038824	4205131477	103 LIGHTSEY-URBANOVSKY UNIT NO 1	RECEIVED: 08/27/81	JA: TX	GIDDINGS (AUSTIN CHALK)	50.9	FERGUSON CROSSING
-WES-TEX DRILLING COMPANY								
8147450	F-7B-038727	4235331019	103 COMPTON NO 5	RECEIVED: 08/27/81	JA: TX	JHM (CANYON)	0.0	SUN OIL CO
-WILSON ENERGY INC								
8147374	F-7C-030890	4210500000	103 UNIVERSITY 2 B #3 RRC #08641	RECEIVED: 08/27/81	JA: TX	FARMER (SAN ANDRES)	270.0	BIG LAKE GASOLINE
-WINDSOR GAS CORP								
8147349	F-7C-025114	4243532252	103 DUKE WILSON 160-1 88929	RECEIVED: 08/27/81	JA: TX	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSM
8147349	F-7C-025114	4243532252	107-TF DUKE WILSON 160-1 88929	RECEIVED: 08/27/81	JA: TX	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSM
-WINDSOR PRODUCING CO								
8147416	F-03-036747	4228730722	103 SHIELDS #1	RECEIVED: 08/27/81	JA: TX	GIDDINGS (AUSTIN CHALK)	109.5	PGP GAS PRODUCTS
-WUC ENGINEERING & MANAGEMENT								
8147351	F-08-025509	4210332215	103 DAWSON #1	RECEIVED: 08/27/81	JA: TX	WYANE (CLFK)	22.0	PHILLIPS PETROLEU
8147362	F-08-029028	4210332311	103 DAWSON #2	RECEIVED: 08/27/81	JA: TX	WYANE (CLEARFORK UP)	22.0	PHILLIPS PETROLEU
-ZERO CORP OF TEXAS								
8147375	F-01-030897	4228300000	102-4 SOUTH TEXAS SYNDICATE #1	RECEIVED: 08/27/81	JA: TX	MULA PASTURE W (WILCOX 5	109.0	TRANSCONTINENTAL
-ZONERGY INC								
8147348	F-03-025003	4205130399	102-2 YEGUA CREEK WELL #1	RECEIVED: 08/27/81	JA: TX	GIDDINGS	620.2	CLAJON GAS CO
-WEST VIRGINIA DEPARTMENT OF MINES								
-ALLEGHENY LAND & MINERAL COMPANY								
8147533		4700701590	103 A - 908	RECEIVED: 08/31/81	JA: WV	SALT LICK DISTRICT	0.0	CONSOLIDATED GAS

PAGE 006

VOLUME 50R

JD NO	JD	KT	API NO	L	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8147531			4708300351	103		A - 918	MIDDLE FORK DISTRICT	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8147523			4708300367	103		A - 920	MIDDLE FORK DISTRICT	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8147534			4701702953	103		A - 931	SOUTHWEST DISTRICT	SOUTHWEST DISTRICT	0.0	CONSOLIDATED GAS
8147524			4708300368	103		A - 935	MIDDLE FORK DISTRICT	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8147569			4708505018	103		A - 937	MURPHY DISTRICT	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8147521			4709702187	103		A - 988	WASHINGTON DISTRICT	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8147525			4708300397	103		A - 996	MIDDLE FORK DISTRICT	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8147578			4708505007	103		A - 997	MURPHY DISTRICT	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8147561			4704102953	103		A - 900	FREEMANS CREEK DISTRICT	FREEMANS CREEK DISTRICT	0.0	CONSOLIDATED GAS
8147544			4708300375	103		A - 916	ROARING CREEK DISTRICT	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8147558			4708300355	103		A - 917	ROARING CREEK DISTRICT	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8147551			4708300376	103		A - 927	MIDDLE FORK DISTRICT	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8147548			4709702160	103		A - 929	WASHINGTON DISTRICT	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8147550			4708300354	103		A - 932	ROARING CREEK DISTRICT	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8147567			4708300377	103		A - 934	MIDDLE FORK DISTRICT	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8147566			4704103012	103		A - 947	COURTHOUSE DISTRICT	COURTHOUSE DISTRICT	0.0	CONSOLIDATED GAS
8147562			4704102990	103		A - 950	COURT HOUSE DISTRICT	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8147565			4704103017	103		A - 965	FREEMANS CREEK DISTRICT	FREEMANS CREEK DISTRICT	0.0	CONSOLIDATED GAS
8147563			4704103013	103		A - 973	FREEMANS CREEK DISTRICT	FREEMANS CREEK DISTRICT	0.0	CONSOLIDATED GAS
8147564			4704103015	103		A - 995	FREEMANS CREEK DISTRICT	FREEMANS CREEK DISTRICT	0.0	CONSOLIDATED GAS
8147545			4704103025	103		A - 998	SKIN CREEK DISTRICT	SKIN CREEK DISTRICT	0.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP						RECEIVED: 08/31/81				
8147515			4701501114	108		F F MCINTOSH #2	PLEASANT	PLEASANT	3.0	CABOT CORP
8147553			47050101300	108		SHOK #1	SHERMAN	SHERMAN	12.5	CONSOLIDATED GAS
8147554			4703901647	108		SHOK LAND COMPANY #19	CABIN CREEK	CABIN CREEK	12.5	CONSOLIDATED GAS
8147552			4700500955	108		SHOK LAND COMPANY #23	SHERMAN	SHERMAN	12.5	CONSOLIDATED GAS
-CARBONIT EXPLORATION INC						RECEIVED: 08/31/81				
8147522			4707300909	103		#1 HARRY BRADFELD	TEN HILE DIST	TEN HILE DIST	1.0	PENNZOIL CO
-CLARENCE W HUTSCHELKNAUS						RECEIVED: 08/31/81				
8147528			4703300178	108		WILLIAMS #2	TEN HILE DIST	TEN HILE DIST	1.0	PENNZOIL CO
8147529			4703300179	108		WILLIAMS #3	TEN HILE DIST	TEN HILE DIST	1.0	PENNZOIL CO
-CLINT HURT & ASSOCIATES INC						RECEIVED: 08/31/81				
8147594			4710701071	103		J G ROBINSON #2	PROGRESS RIDGE - BERE	PROGRESS RIDGE - BERE	1000.0	CONSOLIDATED GAS
8147597			4710701019	103		J G ROBINSON #3	PROGRESS RIDGE - BERE	PROGRESS RIDGE - BERE	1000.0	CONSOLIDATED GAS
8147595			4710701072	103		WARNER ROBERTS #1	PROGRESS RIDGE - BERE	PROGRESS RIDGE - BERE	1000.0	CONSOLIDATED GAS
-COLLINS-MCGREGOR OPERATING COMPANY						RECEIVED: 08/31/81				
8147586			4707300817	103		PHYLLIS ADAMS #1	CRUMPLER	CRUMPLER	30.0	CONSOLIDATED GAS
8147588			4707300809	103		STEELE #1	CRUMPLER	CRUMPLER	20.0	CONSOLIDATED GAS
-D G HANEY INC						RECEIVED: 08/31/81				
8147583			4704700847	103		UNITED POCAHONTAS #1	EAGLE	EAGLE	20.0	CONSOLIDATED GAS
8147584			4704700846	103		UNITED POCAHONTAS #2	GREENBRIER	GREENBRIER	20.0	CONSOLIDATED GAS
8147582			4704700848	103		UNITED POCAHONTAS #3	BURNSVILLE NORTH	BURNSVILLE NORTH	40.0	CONSOLIDATED GAS
-DORAN & ASSOCIATES INC						RECEIVED: 08/31/81				
8147516			4703321957	108		B ROGERS B1343 K-L-237	BELINGTON FIELD	BELINGTON FIELD	25.0	COLUMBIA GAS TRAN
8147517			470172235R	108		O CLARK #2 K-L-233	PIPERS FORK OF CROOKED F	PIPERS FORK OF CROOKED F	3.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION						RECEIVED: 08/31/81				
8147598			4702103735	107-DV		HONTGOMERY #2	UNION DISTRICT	UNION DISTRICT	20.0	CONSOLIDATED GAS
-FOX DRILLING CO INC						RECEIVED: 08/31/81				
8147512			470010142R	103		ANDREWS #1				
-GILCO GAS INC						RECEIVED: 08/31/81				
8147555			4700701489	108		LUCY F WAUGH #1				
-GLENN L HAUGHT & SONS						RECEIVED: 08/31/81				
8147513			4708524356	103		HAYWARD SUMMERS H-791				

PAGE 007

VOLUME 508

JD NO	JA RT	FIELD NAME	PROD	PURCHASER
8147519		GRANT DISTRICT	20.0	CONSOLIDATED GAS
8147514		GRANT DISTRICT	20.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				
8147592		BUCKHANNON	0.0	COLUMBIA GAS TRAN
8147591		BUCKHANNON	0.0	COLUMBIA GAS TRAN
8147571		WEST UNION	200.0	COLUMBIA GAS TRAN
8147590		WEST UNION	200.0	COLUMBIA GAS TRAN
8147578		GREENBRIER	200.0	CONSOLIDATED GAS
8147575		WEST UNION	200.0	COLUMBIA GAS TRAN
8147593		UNION	200.0	CONSOLIDATED GAS
8147580		GRANT	200.0	CONSOLIDATED GAS
8147576		NEW HILTON	200.0	CONSOLIDATED GAS
8147577		NEW HILTON	200.0	CONSOLIDATED GAS
8147572		NEW HILTON	200.0	CONSOLIDATED GAS
-JAMES F SCOTT				
8147596		HACKERS CREEK	30.0	CONSOLIDATED GAS
-KEITH CRIFIELD				
8147530		BIG RUN	0.0	CABOT CORP
-MAGNUM OIL CORP				
8147568		CLAY DISTRICT	30.0	CARNEGIE NATURAL
-HEGA DRILLING FUND 79-2 LTD				
8147520		MURPHY DISTRICT	20.0	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION				
8147596		WAVERLY	0.0	CONSOLIDATED GAS
8147532		BELINGTON	0.0	COLUMBIA GAS TRAN
8147589		ABBOTT - FRENCH CK	0.0	COLUMBIA GAS TRAN
8147543		ABBOTT-FRENCH CREEK	0.0	COLUMBIA GAS TRAN
8147537		GLADE RUN	0.0	
8147560		BIG ISSAC	0.0	CONSOLIDATED GAS
8147536		BIG ISSAC	0.0	CONSOLIDATED GAS
8147535		BIG ISSAC	0.0	CONSOLIDATED GAS
8147549		TALLMANVILLE	0.0	COLUMBIA GAS TRAN
8147542		GLADE RUN	0.0	
8147565		OVERHILL	0.0	COLUMBIA GAS TRAN
-PETROLEUM DEVELOPMENT CORP				
8147538		SMITHTON-FLINT-SEDALIA	1.0	COLUMBIA GAS TRAN
8147541		BRIDGEPORT	3.1	CONSOLIDATED GAS
8147557		BRIDGEPORT	10.0	CONSOLIDATED GAS
8147556		BRIDGEPORT	21.0	CONSOLIDATED GAS
8147559		BRUSHY FORK	0.0	CONSOLIDATED GAS
8147540		BRIDGEPORT	1.0	CONSOLIDATED GAS
-PETROLEUM RESOURCES INC				
8147559		BUTCHERS FORK	25.0	CONSOLIDATED GAS
-RAINBOW 7 8 & 9 80 LTD				
8147511		CLAY DISTRICT	20.0	CONSOLIDATED GAS
-ROY G HILDRETH ET AL				
8147518		LEE DISTRICT	18.0	CONSOLIDATED GAS
-STERLING DRILLING & PROD CO INC				
8147573		OTTER DISTRICT	4.7	REG-COLUMBIA GAS
8147574		OTTER DISTRICT	6.7	REG-COLUMBIA GAS
-SWIFT ENERGY CO				
8147587		GLENVILLE NORTH	50.0	
8147579		GLENVILLE NORTH	50.0	

JO NO	JA	KT	FI NO	C SEC CAT WELL NAME	FIELD NAME	VOLUME / 508	PRCU	PURCHASER
8147526	-UNION DRILLING INC		4709702183	RECEIVED: 08/31/81 JA: WV	BANKS DISTRICT			0.0 COLUMBIA GAS TRAN
8147527			4709702184	103 CECIL R MCCARTNEY #1 1611	BANKS DISTRICT			0.0 COLUMBIA GAS TRAN
8147581	-UNITED OPERATING COMPANY		4703903676	103 D L MCCARTNEY #1 1612	BROAD RUN			0.0 COLUMBIA GAS TRAN
8147547	-MBC EXPLORATION & DEVELOPMENT INC		4767005590	103 RECEIVED: 08/31/81 JA: WV	BACKUS N-1			200.0 ROARING FORK GAS

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 6, 1981.

Categories within each NGPA section are indicated by the following codes:

**Section**

- 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation
- 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-27338 Filed 9-18-81; 8:45 am]

**BILLING CODE 6450-85-M**

[Volume 509]

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 11, 1981

UNIT NO	JA	KT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
*****								
COLORADO OIL & GAS COMMISSION								
*****								
-ANADARKO PRODUCTION COMPANY								
8147727	80-577		0508106368		RECEIVED: 08/28/81	JA: CO		
-BYRON OIL INDUSTRIES INC								
8147728	80-581		0500107597		RECEIVED: 08/28/81	JA: CO		
8147729	80-582		0500107558		BYRON-JOHN EHLER #2			
8147730	80-579		0500107621		BYRON-LILYARD HEIRS #1			
8147731	80-580		0500107595		BYRON-MARK MCLEWAIN #11			
8147732	80-583		0500107596		BYRON-MARK MCLEWAIN #12			
8147733	80-578		0500107579		BYRON-STATE OF COLORADO #4			
-CHANDLER & ASSOCIATES INC								
8147734	80-594		0507708205		RECEIVED: 08/28/81	JA: CO		
-CONTINENTAL GAS TRANSMISSION								
8147735	80-596		0500107625		RECEIVED: 08/28/81	JA: CO		
8147737	80-597		0500107685		1-24 ATWATER			
8147738	80-599		0500107713		2-26X HITCHER			
8147736	80-595		0500107650		21-14 SMITH			
-ENERGY MINERALS CORPORATION								
8147746	80-430		0512309830		RECEIVED: 08/28/81	JA: CO		
8147747	81-391		0512309793		#1 JUNE			
8147748	81-390		0512309732		#1 MABLE			
-FRANK H WALSH								
8147726	81-126		0512309864		MARTIN #1			
-J-V OPERATING COMPANY								
8147749	81-395		0512506150		RECEIVED: 08/28/81	JA: CO		
-KANSAS-NEBRASKA NATURAL GAS CO INC								
8147739	80-526		0512506422		RECEIVED: 08/28/81	JA: CO		
-LADD PETROLEUM CORPORATION								
8147750	81-394		7506700000		RECEIVED: 08/28/81	JA: CO		
-MACHII-ROSS PETROLEUM CO								
8147740	80-98		0512309403		RECEIVED: 08/28/81	JA: CO		
8147741	80-95		0512309690		HORST 44-21			
8147742	80-96		0512309689		LEONARD 13-21			
8147743	80-97		0512309688		LEONARD 23-21			
-MIDLANDS GAS CORPORATION								
8147744	80-592		0512506436		RECEIVED: 08/28/81	JA: CO		
8147745	80-610		0512506431		CANNON 1-17			
8147725	80-591		0512506440		REUMHAUS 1-1C			
-NIELSON ENTERPRISES INC								
8147751	81-393		0512307932		RECEIVED: 08/28/81	JA: CO		
-NORTHWEST PIPELINE CORPORATION								
8147752	81-313		0506705255		RECEIVED: 08/28/81	JA: CO		
*****								

UNIT NO	JA	KT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
*****								
NORTH CRAIG								
64.0					SPINDLE FIELD WATTENBERG			MOUNTAIN FUEL SUP
4.7					SPINDLE FIELD WATTENBERG			NORTHERN NATURAL
4.7					BOOT JACK			NORTHERN NATURAL
3.5					SPINDLE FIELD WATTENBERG			NORTHERN NATURAL
3.3					SPINDLE FIELD WATTENBERG			NORTHERN NATURAL
3.3					SPINDLE FIELD WATTENBERG			NORTHERN NATURAL
9.0					SPINDLE FIELD WATTENBERG			NORTHERN NATURAL
*****								
219.0					PLATEAU			NORTHWEST PIPELIN
100.0					W/C			PANHANDLE EASTERN
84.0					W/C			PANHANDLE EASTERN
420.0					PORTER			PANHANDLE EASTERN
420.0					PORTER			PANHANDLE EASTERN
16.2					ROGGEN			CRYSTAL GAS RESOU
14.8					ROGGEN			CRYSTAL GAS RESOU
15.8					ROGGEN			CRYSTAL GAS RESOU
25.0					POMMEL			KANSAS-NEBRASKA G
4.4					WAVERLY			KANSAS-NEBRASKA N
39.0					SHOUT			
16.5					IGNACIO BLANCO			NORTHWEST PIPELIN
90.0					SPINDLE			TOA AMERICAN GAS
36.0					SPINDLE			TOA AMERICAN GAS
36.0					SPINDLE			TOA AMERICAN GAS
78.0					SPINDLE			TOA AMERICAN GAS
17.0					WHISPER			KANSAS-NEBRASKA N
85.0					WHISPER			KANSAS-NEBRASKA N
32.0					WAVERLY			KANSAS-NEBRASKA N
20.0					WATTENBERG			PANHANDLE EASTERN
21.0					IGNACIO BLANCO HESAVERDE			EL PASO NATURAL G

PAGE 002

VOLUME 509

JD NO	JA	JKT	NO I NC	C SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
*****							
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
*****							
-AMERADA HESS CORPORATION							
8147711			3002510395	RECEIVED: 08/27/81 JA: NM	DRINKARD/BLINEBRY	18.5	NORTHERN NATURAL
8147710			3002504162	108 EUGENE WOOD NO 10 (DUAL GAS)	EUNICE-MONUMENT	14.2	WARREN PETROLEUM
-AMOCO PRODUCTION CO							
8147713			3004524179	RECEIVED: 08/27/81 JA: NM	BASIN DAKOTA	30.0	AMOCO GAS CO
8147715			3001523549	103 GALLEGOS CANYON UNIT COM 94E	UND HOAG TANK MORROW	876.0	TRANSWESTERN PIPE
8147716			3001523471	102-4 STATE IF COM #1	WILDCAT MORROW	356.2	EL PASO NATURAL G
-DOME PETROLEUM CORP							
8147718			3004524465	RECEIVED: 08/27/81 JA: NM	RUSTY CHACRA	50.4	SOUTHWEST GAS COR
8147717			3004520470	102-2 DOME STATE 32-22-6 #2	RUSTY CHACRA EXTENSION	663.9	SOUTHWEST GAS COR
-GULF OIL CORPORATION							
8147712			3001523504	RECEIVED: 08/27/81 JA: NM	UNDESIGNATED SHUGART PEN	0.0	EL PASO NATURAL G
-HONDO OIL & GAS COMPANY							
8147719			3001523503	RECEIVED: 08/27/81 JA: NM	UNDESIGNATED - NORTH ILL	175.0	LLANO INC
-MTS LIMITED PARTNERSHIP							
8147714			3000560845	RECEIVED: 08/27/81 JA: NM	UNDESIGNATED ABO	150.0	TRANSWESTERN PIPE
*****							
OHIO DEPARTMENT OF NATURAL RESOURCES							
*****							
-ADORE OIL & GAS CORPORATION							
8147601			3415723292	RECEIVED: 08/31/81 JA: OH	DOVER	25.0	EAST OHIO GAS CO
-AMERICAN WELL MANAGEMENT COMPANY							
8147602			3403124432	RECEIVED: 08/31/81 JA: OH	NEW CASTLE	18.0	
8147603			3408924148	103 EDNA MASTON #1	HOPEWELL	18.0	
-BERNAN J SHAFER							
8147682			3410322546	RECEIVED: 08/31/81 JA: OH	WESTFIELD	25.0	COLUMBIA GAS TRAN
-BERRESFORD ENTERPRISES INC							
8147623			3416726305	RECEIVED: 08/31/81 JA: OH	WATERFORD	0.0	
8147622			3416726302	103 CHARLES SCHILLING #1	WATERFORD	0.0	
8147624			3416726307	103 CHARLES W NEWBERGER #1	WATERFORD	0.0	
8147620			3416726258	103 CHARLES W NEWBERGER #2	WATERFORD	0.0	
8147621			3416726301	103 CLARA MYERS #1	WATERFORD	0.0	
8147611			3416725464	RECEIVED: 08/31/81 JA: OH	WATERFORD	0.0	
8147615			3416726062	103 CLINTON J MISEL #1	WATERFORD	0.0	
8147613			3416726063	103 DONAL OCARROLL #1	WATERFORD	0.0	
8147618			3416726066	103 DAVID STORY #1	WATERFORD	0.0	
8147619			3416726067	103 GEORGE SINGREE #1	WATERFORD	0.0	
8147617			3416726064	103 HOLLIE MICHAEL #1	WATERFORD	0.0	
8147612			3416725983	103 LOUIS SCHILLING #2	WATERFORD	0.0	
8147616			3416726063	103 RALPH & ALTA COFFMAN #1	WATERFORD	0.0	
8147614			3416726061	103 ULLMAN #1	WATERFORD	0.0	
-BILL D VAUGHT DBA VAUGHT OIL CO							
8147686			3403123076	RECEIVED: 08/31/81 JA: OH	WATERFORD	0.0	
-BKK PROSPECTING LTD							
8147604			3412122557	RECEIVED: 08/31/81 JA: OH	HILLCREEK	1.8	COLUMBIA GAS TRAN
8147607			3412122518	103 CHESTER FELDER #2	JEFFERSON	30.0	COLUMBIA GAS TRAN
8147605			3412122510	103 GLADYS BAKER #1	ELK	30.0	COLUMBIA GAS TRAN
8147608			3412122523	103 RALPH & RUTH BETTINGER #1	ELK	30.0	COLUMBIA GAS TRAN
8147606			3412122514	103 ROBERT SCHOTT #3	ELK	30.0	COLUMBIA GAS TRAN
-BLACK GOLD PRODUCTIONS							
8147606			3412122514	RECEIVED: 08/31/81 JA: OH	ELK	30.0	COLUMBIA GAS TRAN

PAGE 003

VOLUME 509

JD NO	JA	KT	FILE	S/C CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8147625			3411122375	103	POTTS #1	FRANKLIN		0.0 COLUMBIA GAS
-BUCKEYE OIL PRODUCING CO					RECEIVED: 08/31/81 JA: OH			
8147626			3411122442	103	WILLIAM STEPHEN ET AL #1	MALAGA		30.0 COLUMBIA GAS TRAN
-CLINTON OIL CO					RECEIVED: 08/31/81 JA: OH			
8147627			3403124248	103	A C AND M L HIKESSELL #2-535	PERRY		10.0
-DEVON PETROLEUM CORP					RECEIVED: 08/31/81 JA: OH			
8147628			3416726423	103	CHARLES WAGNER #2	DECATURVILLE		20.0 COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC					RECEIVED: 08/31/81 JA: OH			
8147632			3403124411	103	AM-3A HOBBERG	WARSAM		18.0
8147631			3403124220	103	BL-4E JONES	JEFFERSON		18.0
8147633			3407522921	103	KB-1A CRIDER	RICHLAND		18.0
8147635			3408322828	103	KB-4A PHILLIPS	ARYANNA		18.0
8147634			3408322827	103	KB-5A PHILLIPS	HARRISON		18.0
-ESTATE OF BARTON A HOLL					RECEIVED: 08/31/81 JA: OH			
8147609			3407322411	103	HAROLD H WYSKIVER A-3	STARR		0.1 COLUMBIA GAS TRAN
8147610			3407322473	103	MAX JOY #4	GREEN		0.1 COLUMBIA GAS TRAN
-GIANT PETROLEUM CORPORATION					RECEIVED: 08/31/81 JA: OH			
8147645			3400721665	103	WATERS #1	ORWELL		20.0
-HARRY DUGAN DIL CO					RECEIVED: 08/31/81 JA: OH			
8147629			3408924087	103	T & I BILLMAN NO 3	HICKMAN QUAD		32.7 COLUMBIA GAS TRAN
8147630			3408924141	103	T & I BILLMAN NO 6	HICKMAN QUAD		38.0 COLUMBIA GAS TRAN
-HBJ ASSOCIATES - 80 DRUG PTNSP					RECEIVED: 08/31/81 JA: OH			
8147647			3410521956	103	ELBLR JOHNSON #1	SALSIEURY		3.0 COLUMBIA GAS TRAN
-HORTIN & HUFFMAN					RECEIVED: 08/31/81 JA: OH			
8147649			3408924163	103	#2 CANFIELD	HANOVER		1.0 NATIONAL GAS CORP
8147650			3409921289	103	#2 ESHLER	BERLIN		10.0 EAST OHIO GAS
8147648			3400523403	103	NO 3 HOGVER	MOHICAN		1.0 COLUMBIA GAS TRAN
-JAMES ADCKOCK					RECEIVED: 08/31/81 JA: OH			
8147608			3407322328	103	#2 ADCOCK-THOMA	FALLS GORE		30.0 COLUMBIA GAS TRAN
-JOHN G FORAKER					RECEIVED: 08/31/81 JA: OH			
8147637			3400922167	103	#3 TRI-COUNTY INVESTMENTS LTD	BERN		2.0 COLUMBIA GAS TRAN
8147640			3400922181	103	#6 TRI-COUNTY INVESTMENTS LTD	BERN		3.6 COLUMBIA GAS TRAN
8147639			3400922170	103	#7 TRI-COUNTY INVESTMENTS LTD	BERN		1.0 COLUMBIA GAS TRAN
8147643			3412724938	103	DEEP #2	MADISON		2.5 FORAKER GAS CO IN
8147644			3412725072	103	DEEP #3	MADISON		2.5 FORAKER GAS CO IN
8147641			3400922344	103	DEEP #1-A	AMES		3.5 COLUMBIA GAS TRAN
8147642			3411925327	103	MEYER #1	NEWTON		1.5 NATIONAL GAS & OI
8147638			3400922169	103	TRI-COUNTY INVESTMENT LTD #5	BERN		1.5 COLUMBIA GAS TRAN
8147636			3400922165	103	TRI-COUNTY INVESTMENT LTD #1	BERN		1.5 COLUMBIA GAS TRAN
-JOHN TANSKY					RECEIVED: 08/31/81 JA: OH			
8147684			3412725100	103	MARVIN BAKER #1	CLAYTON		6.0
-L & R PETROLEUM INC					RECEIVED: 08/31/81 JA: OH			
8147651			3412725170	103	FOLK/LOHES UNIT #1	READING		3.5 FORAKER GAS CO IN
-LOHAN PETROLEUM INC					RECEIVED: 08/31/81 JA: OH			
8147652			3411925614	103	B KOWAROHY #2	HARRISON		15.0 COLUMBIA GAS TRAN
8147653			3411925656	103	Y MOORE #6	BLUE ROCK		12.0 WILLISTON OIL COR
-MARTIN EXCAVATING INC					RECEIVED: 08/31/81 JA: OH			
8147654			3403123930	103	WILLER #1	MONROE		10.0 COLUMBIA GAS TRAN
8147655			3403124140	103	STARLER #1	MONROE		9.0 COLUMBIA GAS TRAN
8147656			3407522748	103	WYLS #2	KILLBUCK		5.0 COLUMBIA GAS TRAN
-NEIHART EXPLORATION & DEVELOPMENT C					RECEIVED: 08/31/81 JA: OH			
8147657			3412122618	103	ROBERT ULLMAN #0A	ELK		60.0
-OXFORD OIL CO					RECEIVED: 08/31/81 JA: OH			

JD NO	JA	KT	API NO	SFC CAT	WELL NAME	VOLUME	500	PRCU	PURCHASER
8147658			3404520627	103	JAMES WHEELER #1			10.0	
-PETROLEUM ENERGY DEVELOPMENT CORP			RECEIVED: 08/31/81		JA: OH				
8147659			3407322513	103	ENDERLE MARY K #4A			30.0	
-PETROLEUM SECURITIES FUND - 80			RECEIVED: 08/31/81		JA: OH				
8147660			3407322426	103	ENDERLE MARY K #1			30.0	
8147661			3407322454	103	HORN CARL #1			30.0	
-QUAKER STATE OIL REFINING CORP			RECEIVED: 08/31/81		JA: OH				
8147662			3407322467	103	SUNDAY CREEK COAL COMPANY #19				
8147663			3407322484	103	SUNDAY CREEK COAL COMPANY #34				
-REPUBLIC OIL CO			RECEIVED: 08/31/81		JA: OH				
8147666			3408924068	103	#1 - BODLE				
8147665			3408924063	103	#1 - CLUTTER/PEROZEK				
-RIMCO OPERATING INC			RECEIVED: 08/31/81		JA: OH				
8147672			3416922659	103	CORRETT #10				
8147673			3416922662	103	CORRETT #13				
8147671			3416922651	103	CORRETT #2				
8147669			3416922544	103	DILLON #1				
8147670			3416922603	103	RICHARDS #2				
8147667			3416922521	103	RICHARDS #3				
8147668			3416922522	103	RICHARDS #4				
8147677			3416922700	103	TEGMEIER #10				
8147674			3416922676	103	TEGMEIER #5				
8147675			3416922678	103	TEGMEIER #7				
8147676			3416922699	103	TEGMEIER #8				
-RMR PETROLEUM CORP			RECEIVED: 08/31/81		JA: OH				
8147664			3416725728	103	CHARLES CONGELTON #2			7.5	
-ROYAL PETROLEUM 80 - VII			RECEIVED: 08/31/81		JA: OH				
8147679			3410522012	103	JOHNSON WELL #1				
8147680			3410522013	103	JOHNSON WELL #2				
8147681			3410522014	103	JOHNSON WELL #3				
8147678			3405320628	103	SWISHER WELL #2				
-STOCKERSITLER INC			RECEIVED: 08/31/81		JA: OH				
8147683			3408923458	103	NO 1 HICKS UNIT			3.0	
-THE MUTUAL OIL & GAS COMPANY			RECEIVED: 07/06/81		JA: OH				
8147599			3412122542	103	ROBERT ULLMAN WELL #7			50.0	
-THUNDERBIRD PETROLEUM CORP			RECEIVED: 08/31/81		JA: OH				
8147685			3411122336	103	LARRY WILLIAMS WELL #1			50.0	
-WILLIAM E GRESH			RECEIVED: 08/31/81		JA: OH				
8147646			3404520643	103	#1-A CLARENCE W SNYDER			10.0	NATIONAL GAS & OI
OKLAHOMA CORPORATION COMMISSION			RECEIVED: 08/28/81		JA: OK				
-ADVANCE ENERGY SYSTEMS INC			RECEIVED: 08/28/81		JA: OK				
8147703			3511121999	103	MARILYN #1			10.0	PHILLIPS PETROLEU
-ANDOVER OIL COMPANY			RECEIVED: 08/28/81		JA: OK				
8147695			3501721539	103	LAGALY #24-1			110.0	TRANSOK PIPE LINE
-BEARD OIL COMPANY			RECEIVED: 08/28/81		JA: OK				
8147707			3567322753	103	EARL #1			18.0	PHILLIPS PETROLEU
-BOGERT OIL CO			RECEIVED: 08/28/81		JA: OK				
8147692			3507322876	103	FOSTER #1-26			0.0	EASON OIL CO
-BRAXTON OIL AND GAS CORP			RECEIVED: 08/28/81		JA: OK				
8147704			3507122098	103	GASPER HEIRS #1			10.0	CHASE GATHERING S
-BRISCOE OIL CO			RECEIVED: 08/28/81		JA: OK				

VOLUME 509

PAGE 005

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8147708	10556	3508321382	103	ENDECOTT 1-4	C SW SE SEC 24 17N 4W	30.0	EASON OIL CO
-DONALD C SLAWSON				RECEIVED: 08/28/81			
8147688	11408	3505121002	102-4	#1-15 RANCH	ALEX	750.0	
8147688	11408	3505121002	103	#1-15 RANCH	ALEX	750.0	
-GREEN OPERATING CO				RECEIVED: 08/28/81			
8147706	10354	3508121146	103	MILEHAM #2	TRYON	730.0	SUN GAS CO
-HADSON OHIO OIL COMPANY				RECEIVED: 08/28/81			
8147697	08710	3502920268	103	WALKUP #1-27	ASHLAND	365.0	ARKANSAS LOUISIAN
-JORDAN OIL & GAS COMPANY				RECEIVED: 08/28/81			
8147701	10119	3504520834	103	BROOKS #1-33	HIGGINS SOUTH	150.0	NORTHERN NATURAL
-LEAR PETROLEUM EXPLORATION INC				RECEIVED: 08/28/81			
8147689	13562	3501521101	107-0P	FROST #1-17	WILDCAT SEC 17-11N-13W	900.0	PRODUCERS GAS CO
-MARLIN OIL CORPORATION				RECEIVED: 08/28/81			
8147698	10236	3500721834	103	NO 1 UNDERWOOD	MOCANE-LAVERNE	110.0	PANHANDLE EASTERN
-MOBIL OIL CORP				RECEIVED: 08/28/81			
8147696	10348	3513921389	103	BRIKEY (UNIT 173) NC 2	GUYMON-HUGOTON COUNCIL G	40.0	CITIES SERVICE GA
-MOBLE OPERATING INC				RECEIVED: 08/28/81			
8147700	10191	3509322082	103	DVORAK #1	NE PHROSO	0.0	DELHI GAS PIPELIN
8147699	10192	3509322101	103	KECK #1	NW OKEENE	0.0	DELHI GAS PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 08/28/81			
8147709	10252	3507322567	103	SCHAEFER A #1	W OKARCHE	365.0	OKLAHOMA NATURAL
-READING & BATES PETROLEUM CO				RECEIVED: 08/28/81			
8147687	11037	3503920381	102-2	RUTHER #1			
-RED EAGLE OIL CO				RECEIVED: 08/28/81			
8147694	10248	3509322114	103	UOB NO 1	NORTHWEST OKEENE	180.0	PHILLIPS PETROLEU
-REX R MOORE JR				RECEIVED: 08/28/81			
8147690	09982	3508320974	103	CHRIST #1	GARDEN SOUTHEAST	0.0	SUN GAS CO
8147691	09981	3508320757	103	SHONS #1	GARDEN SOUTHEAST	0.0	SUN GAS CO
8147693	9978	3508320975	103	SHONS A #1	GARDEN SOUTHEAST	0.0	SUN GAS CO
-SUNRISE EXPLORATION INC				RECEIVED: 08/28/81			
8147702	10333	3512920479	103	G SWITZER #1-36	S W LEEDY	109.5	DELHI GAS PIPELIN
-WOHLNICH OIL CO				RECEIVED: 08/28/81			
8147705	10352	3507322792	103	GOODEN-FHLY NO 14-1	SOONER	109.5	PHILLIPS PETROLEU
OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES							
-AMERICAN QUASAR PETROLEUM CO				RECEIVED: 08/28/81			
8147720		3604300013	102-4	HICKEY 9-12	SEC 9 T12S R2U LEBANON F	36.0	NORTHWEST NATURAL
UTAH DIVISION OF OIL, GAS & MINING							
-CIG EXPLORATION INC				RECEIVED: 08/28/81			
8147722	K-129-10	4304730855	103	CIGE 850-39-10-21	NATURAL BUTTES	46.0	COLORADO INTERSTA
-WEXPRO COMPANY				RECEIVED: 08/28/81			
8147721	K-138-2	4303730595	102-2	BUG WELL NO 12	BUG SEC 21T 36 S R 26 E	125.0	MOUNTAIN FUEL RES
U.S. GEOLOGICAL SURVEY - DENVER, CO							
-ROSS JACOBS				RECEIVED: 08/31/81			
8147723	UC 208-0	4301930510	103	JACOBS #24-1	CISCO SPRINGS	0.0	NORTHWEST PIPELIN
U.S. GEOLOGICAL SURVEY - ALBUQUERQUE, NH							
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 08/24/81			
8147724	NH-0907-80	3003900000	108	SAN JUAN 29-5 #16	BLANCO MESAVEDE	22.0	EL PASO NATURAL G

BILLING CODE 0450-05-0

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 6, 1981.

Categories within each NGPA section are indicated by the following codes:

Section  
 102-1: New OCS lease  
 102-2: New well (2.5 mile rule)  
 102-3: New well (1000 ft rule)  
 102-4: New onshore reservoir  
 102-5: New reservoir on old OCS lease  
 107-DP: 15,000 feet or deeper  
 107-GB: Geopressured brine  
 107-CS: Coal seams  
 107-DV: Devonian shale  
 107-PE: Production enhancement  
 107-TF: New tight formation  
 107-RT: Recompletion tight formation  
 108: Stripper well  
 108-SA: Seasonally affected  
 108-ER: Enhanced recovery  
 108-PB: Pressure buildup

Kenneth F. Plumb,  
 Secretary.

[FR Doc. 81-27339 Filed 9-18-81; 8:45 am]  
 BILLING CODE 6450-85-M

#### [Project No. 5175-000]

#### Bluepond Associates; Application for Preliminary Permit

September 15, 1981.

Take notice that Bluepond Associates (Applicant) filed on August 4, 1981, an application for preliminary permit [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5175 to be known as the Elgol Hydro Project located on Silver Creek in the Routt National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael D. White, Yegge, Hall and Evans, 2900

Energy Center One, 717 Seventeenth Street, Denver, Colorado 80202.

**Project Description**—The proposed project would consist of: (1) A collection system consisting of 8 wells, each with a 30 hp pump; (2) 6,000 feet of pipeline to collect pumped water from an aquifer under Silver Creek to be known as the Elgol Groundwater Reservoir; (3) a 10,700-foot long penstock; (4) a powerhouse containing a single turbine-generator with a total rated capacity of 300 kW; (5) a 3-mile long 14.4/24.9-kV transmission line; and (6) appurtenant facilities. Energy produced at the project would be sold to the Western Area Power Authority or the Tri-State G and T Association. The project would generate up to 1,200,000 kWh annually.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be \$75,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, or or before November 21, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must

be received on or before, November 21, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
 Secretary.

[FR Doc. 81-27421 Filed 9-18-81; 8:45 am]  
 BILLING CODE 6450-85-M

#### [Project No. 5163-000]

#### California Department of Water Resources; Application for Exemption of Small Conduit Hydroelectric Facility

September 15, 1981.

Take notice that on July 31, 1981, The State of California Department of Water Resources (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of part I of the Act. The proposed Sutter-Butte Outlet Powerplant Project (FERC Project No. 5163) would be located on the Sutter-Butte Canal, Butte County, California. Correspondence with the Applicant should be directed to: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

**Purpose of Project**—The power generated by the proposed project would be sold to local utilities.

**Project Description**—The proposed project would consist of: (1) a new weir in the existing Sutter-Butte Outlet Channel; (2) two 102-inch diameter penstocks; (3) a powerhouse containing two generating units, each rated at 1,200 kW; and (4) a 1-mile long, 33-kV

transmission line connecting to the existing Theramlito Afterbay Outlet Powerplant Switchyard. The Applicant estimates that the average annual energy output would be 8,153,000 kWh.

**Agency Comments**—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR § 1.18 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, petitions to intervene must be received on or before November 23, 1981. The Commission's address is: 825 North Capitol Street, NE, Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27406 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5251-000]

**City of Fort Smith, Ark.; Application for Preliminary Permit**

September 15, 1981.

Take notice that the City of Fort Smith, Arkansas (Applicant) filed on August 19, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5251 to be known as the Lee Creek Project located on Lee Creek near the Town of Van Buren in Crawford County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Jack Freeze, Fort Smith City Offices, P.O. Box 1908, Fort Smith, Arkansas 72902.

**Project Description**—The proposed project would consist of: (1) The Applicant's new rockfill dam, 45 feet high and 1,200 feet long; (2) the resulting reservoir which would have an area of 376 acres and a gross storage capacity of 5,715 acre-feet; (3) a new powerhouse containing one 2.0-MW turbine/generator unit; (4) a new 4.16-kV transmission line one quarter mile long and (5) appurtenant facilities.

The 4.6 million kWh of electrical energy produced annually would probably be sold to the Arkansas Valley electric Co-op, Inc. Approximately 150 acres of U.S. land administered by the Corps of Engineers would be within the project boundary.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The studies, investigations, tests and surveys that have been and are being carried out for the purpose of construction of the dam and impoundment, treatment plant and related water transmission facilities are conducted solely for the purpose of developing the Applicant's water supply. No additional roads, utilities, or other facilities will be needed to compliment the generation facilities; accordingly the permit will be necessary only to determine the feasibility of adding hydroelectric facilities to a project already scheduled for construction. Applicant seeks issuance of the permit for a two year period; cost of the permit studies would be \$23,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 20, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent

allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 20, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27422 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-744-000]

**Cleveland Electric Illuminating Co.; Filing**

September 15, 1981.

The filing Company submits the following:

Take notice that on September 3, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and

Exhibits A and B thereto, providing for transmission by CEI of approximately 35 MW of power from the 345 kv interconnection point on CEI's Jumper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on September 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27407 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

#### [Docket No. EC81-19-000]

#### Consumers Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on September 8, 1981, Consumers Power Company (Consumers) submitted an application for Authority to Sell Facilities to the Michigan South Central Power Agency (the Agency).

Consumers proposes to sell a total 58.74% undivided interest in Consumers' 345 kV double circuit transmission line (Designated EHV Transmission Line) extending from its Vergennes 345 kV Substation to its Palisades-Fallmadge 345 kV Transmission Line. The total sales price is \$11,120,800. The Agency is a body politic and corporate created in 1978 by the Cities of Coldwater, Hillsdale and Marshall and the Villages of Clinton and Union City, each of which owns and operates a municipal electric system. Each of the member municipal systems has entered into a power sales contract with the Agency for the supply of its power and energy

requirements, together with related substation and economic dispatch agreements.

The sale of undivided ownership interests in the Designated EHV Transmission Line is proposed in order to facilitate the Agency's realization of the benefits of their Project I Generating Plant and other power supply agreements. Consumers request approval of its Application pursuant to section 203(a) of the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure and should be filed on or before October 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27408 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

#### [Project No. 5172-000]

#### County of Essex and Town of North Hudson, N.Y.; Application for Preliminary Permit

September 15, 1981.

Take notice that the County of Essex and Town of North Hudson, New York (Applicant) filed on August 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5172 known as the Blue Ridge Project located on the Branch, tributary to the Schroom River, in Essex County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Philip L. Chabot, Esq., Duncan, Wemburg, & Miller, P.C., Suite 1200, 1775 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

**Project Description**—The proposed project would consist of: (1) An existing dam with a length of 240 feet and a height of 20 feet; (2) an existing reservoir having a surface area of 36.0 acres at a mean surface elevation of 873.0 feet (USGS datum); (3) a new control gate; (4) a new penstock; leading to (5) an

existing powerhouse containing a new turbine/generator unit with a rated capacity of 100 kW; (6) an existing 4.8-kV transmission line; and (7) appurtenant works. The existing dam and reservoir are owned by the New York State Department of Environmental Conservation. The Applicant estimates that the average annual amount of energy generated by the proposed project would be 430,000 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be \$20,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 20, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 20, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE

**COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE",** as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27423 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Docket No. ER81-745-000]**

**Duke Power Co.; Filing**

September 15, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on September 3, 1981, a supplement to the Company's Electric Power Contract with York-Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 146.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in designated demand: Delivery Point No. 10 from 4,500 KW to 5,800 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of November 17, 1981.

According to Duke Power copies of this filing were mailed to York Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8

and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27424 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Docket No. ER81-746-000]**

**Duke Power Co.; Filing**

September 15, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on September 9, 1981 a supplement to the Company's Electric Power Contract with the City of Kings Mountain. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 260.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in contract demand: Delivery Point No. 1 from 12,500 kW to 9,000 kW and Delivery Point No. 2 from 6,000 kW to 10,000 kW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of November 17, 1981.

According to Duke Power copies of this filing were mailed to the City of Kings Mountain and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27429 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Project No. 5277-000]**

**Eastern Sierra Energy Development;  
Application for Preliminary Permit**

September 15, 1981.

Take notice that Eastern Sierra Energy Development (Applicant) filed on August 24, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5277 to be known as the Big Pine Creek Project located on Big Pine, Little Pine, and Baker Creeks in Inyo County, California. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: K. Thomas Miller, Eastern Sierra Energy Development, P.O. Box 567, Bishop, California 93514.

**Project Description**—The proposed project would consist of: (A) The Baker Creek Development consisting of: (1) a 20-foot to 50-foot high concrete dam; (2) a 9,500-foot long pipeline; (3) a powerhouse containing two generating units, each rated at 590 kW; and (4) a transmission line. The average annual energy generation is estimated to be 6 million kWh. (B) The Big Pine Creek Development consisting of: (1) a 20-foot to 50-foot high concrete dam; (2) a 12,250-foot long pipeline and penstock; (3) a powerhouse containing two generating units, each rated at 1,830 kW; and (4) a transmission line. The average annual energy generation is estimated to be 15 million kWh. (C) The Little Pine Creek Development consisting of: (1) a 20-foot to 50-foot high concrete dam; (2) a 23,000-foot long pipeline; (3) a powerhouse containing two generating units, each rated at 1,690 kW; and (4) a transmission line. The average annual energy generation is estimated to be 14 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Land disturbing activities include test borings

and trenches at the dam and powerhouse sites, and geophysical surveys. All disturbed areas will be restored to original state.

The cost of the work to be done under the preliminary permit is estimated to be \$150,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 23, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27410 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-747-000]

#### Florida Power & Light Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on September 2, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheets Nos. 1-19).

FP&L states that under Exhibit I FP&L will transmit power and energy for the Utilities Commission, City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with Jacksonville Electric Authority.

FP&L requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FP&L states that copies of the filing were served on the Director of Utilities of New Smyrna Beach.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27425 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5223-000]

#### International Falls Power Co.; Application for Preliminary Permit

September 15, 1981.

Take notice that International Falls Power Company (Applicant) filed on August 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. Sec. 792(a)-825(r)) for Project No. 5223 to be known as the International Falls Hydroelectric Project at International Falls, Minnesota located on Rainy Lake, on the Rainy River in Koochiching County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John P. Borgwardt, Associate General Counsel, Boise Cascade Corporation, P.O. Box 1414, Portland, Oregon 97207.

**Project Description**—The project is an existing dam, stretching from International Falls, Minnesota across Rainy Lake to Fort Frances, Ontario, Canada. A preliminary permit is being sought for only the portion of the dam that is in U.S. territory. The project would consist of: (1) an existing granite masonry dam approximately 35 feet high and 1,195 feet long, of which 560 feet is in U.S. territory; (2) an existing powerhouse, containing an installed capacity of 14 MW and the ability to generate 45 GWh per year; (3) an existing 345 square mile reservoir with a gross storage capacity of approximately 384,600 acre-feet; and (4) appurtenant facilities.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be \$25,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27411 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-750-000]

#### Iowa Power & Light Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Iowa Power and Light Company (Iowa Power) on September 8, 1981, tendered for filing

proposed changes in its FERC Electric Service Tariff, submitting proposed changes in its rate schedule No. 811, under which wholesale electric service for resale is provided to the Cities of Carlisle and Neola, Iowa. The proposed changes would increase revenue from jurisdictional sales and service by \$88,636.58 based on the 12 month period ending December 31, 1980.

Iowa Power states that the proposed increase is necessary in order for Iowa Power to properly earn a reasonable return on its investment dedicated to serving its customers. Iowa Power states that the proposed rate increase is designed to offset increased capital costs caused by increases in interest rates and required rates of return for common and preferred stockholders, the completion of the Ottumwa Generating Station and other property additions. Additionally, the rate increase will recover increased operating costs caused by inflationary pressures, increased wages and salary expenses, increased purchased power expense from Cooper Nuclear Station including costs related to extraordinary repairs and required modifications, the operations cost of the Ottumwa Generation Station, and increased depreciation expenses and property taxes.

Iowa Power proposes an effective date of November 7, 1981.

Copies of this filing have been filed upon Iowa Power's jurisdictional customers, the Cities of Carlisle and Neola, Iowa and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27412 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4906-000]

#### Lower South Platte Water Conservancy District; Application for Preliminary Permit

September 15, 1981.

Take notice that Lower South Platte Water Conservancy District (Applicant) filed on June 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4906-000 to be known as the Narrows Dam and Reservoir Project located on the South Platte River in Morgan County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary R. Frieauf, P.E., Secretary-Manager, Lower South Platte Water Conservancy District, Post Office Box 1725, Sterling, Colorado 80781.

**Project Description**—The proposed hydroelectric project would be constructed in conjunction with and would utilize the Bureau of Reclamation's Narrows Dam and Reservoir authorized by Congress. The Narrows Dam would be an earthfill embankment 147 feet high and 4.2 miles long. Narrows reservoir would have a storage capacity of about 500,000 acre-feet with a surface area of 15,000 acres at surface elevation 4,404 feet m.s.l. Proposed hydroelectric facilities would comprise two developments. The Main River Outlet development would consist of: (1) A penstock about 800 feet long and 10 feet in diameter (designed in conjunction with the main outlet conduit); (2) a bifurcation at the outlet control point; (3) a powerhouse with an installed capacity of 9 MW; (4) a tailrace; and (5) other appurtenances. The Fort Morgan Canal Outlet development would consist of: (1) modifications designed in conjunction with the canal outlet works to permit the outlet conduit to serve as a penstock; (2) a bifurcation at the outlet conduit with valving and controls and penstock extension 100 feet long and 6 feet in diameter; (3) a powerhouse with an installed capacity of 1,000 kW; (4) a tailrace; (5) a transmission line interconnecting the two developments and extending an additional 20 miles; and (6) other appurtenances. Applicant estimates total annual generation from both developments would be 43,000,000 kWh. Project energy would be sold to area utility companies.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three

years during which time Applicant would investigate project design alternatives, financial feasibility; environmental effects or project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$100,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 19, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 19, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing

application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27426 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

#### [Project No. 5068-000]

#### MacLeod Hydropower, Inc., Application for Preliminary Permit

September 15, 1981.

Take notice that MacLeod Hydropower, Inc., (Applicant) filed on July 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Secs. 791(a)-825(r)] for Project No. 5068 to be known as the Ithaca Falls Project located on Fall Creek in Tompkins County at Ithaca, New York. The application is on file with the commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Cameron MacLeod, III, President, MacLeod Hydropower, Inc., Box 286, Glenmoore, Pennsylvania 19343.

**Project Description**—The proposed run-of-the-river project would consist of existing facilities to include: (1) a concrete and masonry dam 30 feet high and 300 feet long; (2) a reservoir of negligible storage capacity at surface elevation 540 feet m.s.l.; (3) an intake structure to be rehabilitated; (4) a 200-foot long water conveyance tunnel 12 feet wide and 20 feet high; connecting to (5) a headrace about 300 feet long and 10 feet deep; leading through trash racks into; (6) two penstocks, 400 feet long, and 36 and 32 inches in diameter terminating at an abandoned powerhouse. New project works would include: (1) new penstock(s) about 300 feet long; leading from penstocks at the abandoned powerhouse to (2) a new powerhouse with an installed capacity of 1.2 MW; (3) a short tailrace; (4) electrical facilities; and (5) other appurtenances. The dam is owned by the Ithaca Gun Company. Applicant estimates annual energy production would average 5,618,000 kWh. Project energy would be sold to the New York State Electric and Gas Corporation.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic and recreational studies, and if

the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would be \$50,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file and acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27413 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5197-000]

**The Metropolitan Water District of Southern California; Application for Exemption of Small Conduit Hydroelectric Facility**

September 15, 1981.

Take notice that on August 6, 1981, The Metropolitan Water District of Southern California (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Venice Small Conduit Hydroelectric Project (FERC Project No. 5197) would be located the Applicant's Sepulveda Feeder Pipeline (Part of Applicant's water distribution system), in the County of Los Angeles, California. Correspondence with the Applicant should be directed to: Mr. Evan L. Griffith, General Manager, The Metropolitan Water District Southern California, P.O. Box 54153, Terminal Annex, Los Angeles, California 90054.

**Purpose of Project**—The power generated by the project would be sold to a public or private utility.

**Project Description**—The proposed project would consist of a powerhouse with an installed capacity of 10.1 MW. The powerhouse would operate under a head of 280 feet and would generate approximately 60 million kWhs annually.

**Agency Comments**—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If so comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests

for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27427 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-461-000]

**Missouri Edison Co.; Compliance Filing**

September 15, 1981.

The filing Company submits the following:

Take notice that on August 11, 1981, Missouri Edison Company tendered for filing FERC Electric Tariff 5th Revised Sheet No. 1 and 5th Revised Sheet No. 2 pursuant to the Commission's order of July 10, 1981. The effect of the revised tariff sheets is to reduce the rates proposed by Missouri Edison Company's May 12, 1981 tariff to reflect summary disposition with respect to the reduced purchased power costs from Union Electric Company which was ordered by summary disposition in Docket No. ER81-450-000.

As provided in the Commission's order of July 10, 1981, the revised tariff sheets are effective on and after July 9, 1981, subject to refund.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street,

N.E., Washington, D.C. 20426, on or before October 5, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27432 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4953-001]

**Modesto Irrigation District; Application for Preliminary Permit**

September 15, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(f)] for Project No. 4953 to be known as the Willow Creek, Tehama Power Project located on Willow Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

**Project Description**—The proposed project would consist of: (1) An intake structure within the north bank of Willow Creek; (2) a 10,000-foot long diversion conduit or channel; (3) a 44-inch diameter, 1,200-foot long penstock; (4) a powerhouse containing generating units with a total rated capacity of 4,580 kW; and (5) a 13-mile long, 12.5-kV transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company transmission line northeast of the powerhouse. Applicant estimates the average annual energy output of the project at 16 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be \$45,000.

**Competing Applications**—This application was filed as a competing application to the Willow Creek, Tehama Power Project No. 4329 filed on

March 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 14, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27428 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-739-000]

#### Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on September 2, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with the Washington Water Power Company (Washington). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Washington.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by \$1,566,000.00 based upon energy delivered from May 1, 1981 through June 2, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

Montana proposes an effective date May 1, 1981, and therefore requests waiver of the Commission's notice requirements.

In addition, Montana also tendered for filing a Notice of Cancellation of a Rate Schedule and all of its supplements, dated May 1, 1981. This agreement is for the sale of firm energy between Montana and The Washington Water Power Company. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10)). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27429 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-742-000]

#### The Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on September 3, 1981, tendered for filing in accordance with Section 35 of the Commission's

regulations, the Letter Agreement with Southern California Edison Company ("Edison"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Edison.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by \$7,938,597.54, based upon energy delivered from March 23, 1981 until terminated by either party by giving 30 days' advance written notice to the other party. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of March 23, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street Northeast, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27430 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-737-000]

#### Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on September 3, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with the City of Burbank (Burbank). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Burbank.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by \$437,082.40 based upon energy delivered from February 1, 1981 through April 30, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of February 1, 1981, is proposed and waiver of the Commission's notice requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of a Rate Schedule and all of its supplements, dated February 1, 1981. This agreement is for the sale of firm energy between Montana and Burbank. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-27431 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-743-000]

#### Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on September 3, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreements with Southern California Edison Company (Edison). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Edison.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by \$8,843,290.80, based upon energy delivered from January 31, 1981 until terminated by either party giving 30 days' written notice to the other party. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of January 31, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-27414 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-738-000]

#### The Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company ("Montana") on September 3, 1981, tender for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with City of Burbank (Burbank). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Burbank.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by \$155,150.00, based upon energy delivered from April 28, 1981 through June 1, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of April 28, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of a Rate Schedule and all of its supplements, dated April 28, 1981. This agreement is for the sale of firm energy between Montana and Burbank. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8,

1.10). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-27415 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-749-000]

#### Montaup Electric Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on September 4, 1981, Montaup Electric Company ("Montaup") tendered for filing rate schedule revisions providing a new rate "M-7" for firm power service at 115 kV. Montaup is a generating and transmission company chartered in Massachusetts and responsible for the bulk power supply requirements of two retail subsidiaries of Eastern Utilities Associates ("EUA"), a public utility holding company. These subsidiaries are Eastern Edison Company ("Eastern Edison") in Massachusetts and Blackstone Valley Electric Company ("Blackstone") in Rhode Island. Eastern Edison owns all of Montaup's securities.

The customers affected by this filing are Blackstone and Eastern Edison and three non-affiliated customers: Newport Electric Corporation, Pascoag Fire District and the Town of Middleborough. Middleborough is a Massachusetts municipality and the other non-affiliated customers are located in Rhode Island.

The M-7 rate would increase Montaup's total revenue by \$7,859,000 or by 3.9% above the level of the M-6 rate. In addition, Montaup tendered a surcharge to recover its investment in the Pilgrim 2 project should that project be cancelled when the M-7 rate is in effect. The increase including the surcharge amounts to \$10,532,000, or 5.3% above the level of the M-6 rate. The increase is based on a cost of service for calendar year 1982 (Period II).

The filing is intended to recover cost increases which have eroded Montaup's return under the M-6 rate. Based on Montaup's Period II cost of service study, the M-6 rate yields an overall rate of return of 10.66% and a return on common equity of 6.97%.

Montaup states that the M-7 rate increase is urgently needed to raise capital for Montaup's construction program. Montaup requests that the filing be assigned an effective date of November 4, 1981, and suspended for one day.

Included with Montaup's filing are rate schedule revisions to increase the return on equity in agreements under which Blackstone and Eastern Edison rent 115-kV transmission facilities to Montaup and in an agreement under which Montaup rents certain transformers and substation facilities to Eastern Edison.

According to Montaup, copies of its filing have been served on the affected customers and, the Massachusetts Department of Public Utilities and the Rhode Island Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-27416 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-733-000]

**New England Power Co.; Filing**

September 15, 1981.

The filing Company submits the following:

Take notice that on September 1, 1981, New England Power Company (NEP) tendered for filing transmission service agreements between NEP and various municipal light plants. The service agreements provide continuing transmission service under NEP's FERC Electric Tariff, Original Volume Number 3, which was accepted by the Commission in Docket No. ER80-797 by order of July 20, 1981.

NEP requests that the service agreements become effective on November 1, 1981.

Copies of the filing are being mailed to each affected customer and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protest should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-27433 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-752-000]

**Ohio Valley Electric Corp.; Filing**

September 15, 1981.

The filing Company submits the following:

Take notice that on September 8, 1981, Ohio Valley Electric Corporation (OVEC) tendered for filing Modification No. 6 dated as of August 1, 1981 to the Inter-company Power Agreement (FPC Rate Schedule No. 1-B) between OVEC and certain other companies (Sponsoring Companies) and Modification No. 12 dated as of August 1, 1981 to the Power Agreement (FPC Rate Schedule No. 1-A) between OVEC and the United States of America, acting by and through the Secretary of Energy, the statutory head of the Department of Energy (DOE).

The two modifications would reduce the capacity of the Kyger Creek Generating Station of OVEC in Gallia County, Ohio and the Clifty Creek Generating Station of OVEC's wholly-owned subsidiary, Indiana-Kentucky Electric Corporation, in Jefferson County, Indiana available to DOE and correspondingly increase the capacity of such stations available to the Sponsoring Companies. The proposed changes came about as a result of DOE's desire to reduce its fixed electric power expense in light of reduced operations at DOE's gaseous diffusion uranium enrichment plant in Portsmouth, Ohio. The Sponsoring Companies agreed to purchase the resulting surplus capacity

because they had need for such power and OVEC would be able to supply such power at reasonable rates.

OVEC respectfully requests that the two modifications be made effective on or before September 30, 1981 and that the Commission waive all rules and regulations with which OVEC has not already complied. OVEC has been advised by DOE management that they concur in OVEC's request that the two modifications be made effective on or before September 30, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-27417 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5086-000]

**Redlands Water and Power Co.; Application for Preliminary Permit**

September 15, 1981.

Take notice that Redlands Water and Power Company (Applicant) filed on July 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5086 to be known as the Redlands Plant No. 2 Project located on the Gunnison River near Grand Junction in Mesa County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Irvin C. Sanders, Merrick & Company, P.O. Box 22026, Denver, Colorado 80222.

**Project Description**—The Applicant-owned project presently consists of the following existing facilities: (1) A 12.5-foot high 338-foot long concrete overflow-type dam with crest elevation 4,751 m.s.l., (2) a small reservoir with negligible storage capacity; (3) an intake and sluice structure at the left bank; and (4) a canal having a capacity of 750 c.f.s. These facilities serve the existing

Redlands Plant No. 1 which would remain unchanged.

Applicant has studied three alternatives and would further study redevelopment of the existing facilities as follows: (1) Modify the diversion structure; (2) enlarge a 5,400-foot length of canal; (3) construct a powerhouse (Plant No. 2) containing two generating units having a total rated capacity of 2,600 kW; and (4) construct a 150-foot long tailrace. Plant No. 2 project energy would be sold to Public Service Company of Colorado. Applicant estimates that the Plant No. 2 average annual energy output would be 12,120,000 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18-months, during which time it would complete a feasibility study currently under-way, including technical, economic and financial aspects, prepare a preliminary design, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be \$55,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 19, 1981, either the competing application itself [See 16 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before November 19, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FER Doc. 81-27434 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5227-000]

#### Robert R. Tift; Application for Preliminary Permit

September 15, 1981.

Take notice that Robert R. Tift (Applicant) filed on August 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Secs. 791(a)-825(r)] for Project No. 5227 known as the Horse Creek Water Power Project located on Horse Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert R. Tift, P.O. Box 388, Horse Creek, California 96045.

**Project Description**—The proposed project would consist of: (1) a 12-foot high concrete dam on Horse Creek creating a reservoir with a surface area of 1.5 acres and a storage capacity of 12 acre-feet; (2) a 6,800-foot long, 42-inch diameter penstock; (3) a powerhouse with a total rated capacity of 450 kW; and (4) a 600-foot long transmission line from the powerhouse to an existing Pacific Power & Light Company's 12.5-KV transmission line. The Applicant estimates that the average annual energy production would be 1.75 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 15

months during which time it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$37,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments, filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 835 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27418 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5230-000]

**Tehama County Flood Control and Water Conservation District;  
Application for Preliminary Permit**

September 15, 1981.

Take notice that Tehama County Flood Control and Water Conservation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5230 to be known as the Deer Creek Hydroelectric Project located on Deer Creek and its tributaries Rush and Calf Creeks in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Water Resources, Route 1, Box 4, Greber, California 96035.

**Project Description**—The proposed project would consist of three developments:

Development No. 1 comprising: (a) A 10-foot high diversion structure across Deer Creek, just downstream of the Deer Creek Falls; (b) a 13,500-foot long trapezoidal channel; (c) a 48-inch diameter, 1,000-foot long penstock; and (d) a powerhouse, containing generating facilities with a total rated capacity of 2.8 MW, discharging into Deer Creek.

Development No. 2 comprising: (a) A 10-foot high diversion structure across Rush Creek; (b) a 11,500-foot long trapezoidal channel; (c) a 48-inch diameter, 800-foot long penstock; and (d) a powerhouse, containing generating facilities with a total rated capacity of 1.2 MW, discharging into Deer Creek.

Development No. 3 comprising: (a) A 12-foot high diversion structure across Calf Creek; (b) a 18.5-mile long combination trapezoid canal and pipeline; (c) a 48-inch diameter 2,300-foot long penstock; and (d) a powerhouse, containing generating facilities with a total rated capacity of 8.4 MW, discharging into Deer Creek. The Applicant estimates the output of the three developments at 89.5 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month

permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining designs is estimated by the Applicant to be between \$80,000 and \$120,000.

**Competing Applications**—This application was filed as a competing application to the Deer Creek Hydroelectric Project No. 4637 filed on May 8, 1981, by North Valley Land Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions to Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 14, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any

petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27435 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5282-000]

**Town of Conway, Massachusetts;  
Application for Preliminary Permit**

September 15, 1981.

Take notice that Town of Conway, Massachusetts (Applicant) filed on August 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Secs. 791(a)-825(r)] for Project No. 5282 to be known as the Conway Project located on the South River, in the Town of Conway, in Franklin County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James Manwell, Department of Mechanical Engineering, Guinness Laboratory University of Massachusetts, Amherst, Massachusetts 01003.

**Project Description**—The proposed project would consist of: (1) an existing 65-foot high, 110-foot long concrete gravity dam; (2) an existing reservoir with a usable storage capacity of 40-acre feet; (3) an existing 4-foot diameter, 200-foot long steel penstock; (4) a new powerhouse containing turbine-generator units with a total rated capacity of up to 800 kW; (5) a new one-mile long 4.48-kV or one-half mile long 69-kV transmission line; and (6) appurtenant facilities. The project would produce up to 2,800,000 kWh annually. The project is located on land owned by the State of Massachusetts. Applicant proposes to sell energy produced at the project to local utilities.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include preliminary designs, economic analysis, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$22,070.

**Competing Applications**—Anyone desiring to file a competing application

must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application.

Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before November 23, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27419 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5181-000]

**Village of Philadelphia, New York;  
Application for Preliminary Permit**

September 15, 1981.

Take notice that the Village of Philadelphia, New York (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5181 to be known as the Sandy Hollow Road Hydro Project located on the Indian River near Philadelphia in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: The Honorable Wayne L. Huntress, Mayor of Philadelphia, 56 Main Street, Philadelphia, New York 13673, and Richard R. Leimbach, P.E., Consulting Engineer, 21 Olena Drive, Whitesboro, New York 13492.

**Project Description**—The proposed run-of-the-river project would consist of existing project works including: (1) a main concrete dam, about 125 feet long and 17 feet high, owned by Mr. John Kazak of 33 Tyler Street, Rochester, New York; (2) three small upstream diversion dams about 4 feet high and having lengths of 50 feet, 40 feet, and 20 feet; (3) a reservoir of negligible storage capacity at maximum surface elevation of 414 feet m.s.l.; (4) an intake structure and short penstock; (5) a powerhouse in which would be installed new turbine-generator(s) with a capacity of 600 kW; (6) a tailrace; and (7) other appurtenances. Applicant estimates annual generation would average about 3,000,000 kWh. Project energy would be utilized directly in the Applicant's municipal electric system.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would be \$68,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent

allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27420 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5174-000]

**Bluepond Associates; Application for Preliminary Permit**

September 14, 1981.

Take notice that Bluepond Associates (Applicant) filed on August 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16

U.S.C. 791(a)—825(r)] for Project No. 5174 to be known as the Wembley Hydro Project located on the Rio Chama in Archuleta County, Colorado, Rio Arriba County, New Mexico and in the Rio Grande National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael D. White; Yegge, Hall and Evans; 2900 Energy Center One; 717 Seventeenth Street; Denver, Colorado 80202.

**Project Description**—The proposed project would consist of: (1) a collection system consisting of 33 wells, each with a 60 hp pump; (2) 25,000 feet of pipeline to collect pumped water from an aquifer under the Rio Chama to be known as the Wembley Groundwater Reservoir; (3) a 28,000-foot long penstock; (4) a powerhouse containing a single turbine-generator with a total rated capacity of 4.1 MW; (5) a 3-mile long 14.4/24.9-kV transmission line; and (6) appurtenant facilities. Energy produced at the project would be sold to the Western Area Power Authority or the Tri-State G and T Association. The project would generate up to 18,600,000 kWh annually.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be \$150,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit

comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27459 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER81-612-000]

**Cleveland Electric Illuminating Co.,  
Order Accepting for Filing and  
Suspending Revised Rates, Granting  
Intervention, and Establishing Hearing  
and Price Squeeze Procedures**

Issued: September 14, 1981.

On July 16, 1981, the Cleveland Electric Illuminating Company ("CEI") tendered for filing a supplement to its interconnection agreement with the City of Cleveland, Ohio ("City") for firm, partial requirements service.<sup>1</sup> The revised rates would result in increased revenues of approximately \$2,238,000 (19.3%) based on the twelve-month period ending December 31, 1981. CEI

<sup>1</sup>Designated as follows: Supplement No. 6 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 5 as supplemented).

requesta an effective date of September 14, 1981.

Public notice of the filing was issued July 24, 1981, with responses due on or before August 14, 1981. On August 14, 1981, The City filed a petition to intervene, protest, and request for full suspension and hearing. The City challenges various aspects of CEI's cost of service and alleges that the proposed increase will result in a price squeeze. Among the issues raised is CEI's inclusion in its cost of service of an amortized portion of its investment (approximately \$56,600,000) for preliminary work associated with the construction of four generating plants which have been cancelled.<sup>2</sup> CEI responded to the City's contentions in an answer filed on August 31, 1981.

**Discussion**

The Commission finds that participation in this proceeding by the City is in the public interest. Accordingly, the City will be permitted to intervene.

In view of the substantive concerns expressed by the City, our analysis indicates that CEI's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, and suspend them as ordered below.

In a number of suspension orders,<sup>3</sup> we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While the intervenor has raised several substantive

<sup>2</sup>By order dated July 10, 1980, recovery of such costs over a ten year period was approved at the retail level by the Public Utilities Commission of Ohio. Case No. 79-537-EL-AIR. However, this order was overturned by the Ohio Supreme Court which permitted no recovery. *Consumers Council v. PUCO*, 67 Ohio St. 2d 153 (1981).

<sup>3</sup>E.g., *Boston Edison Co.*, Docket No. ER80-503 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-480 (August 22, 1980) (one day suspension).

issues to be pursued at hearing, including price squeeze, our preliminary analysis suggests that the proposed rates may not yield excessive revenues. As a result, we do not believe that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to the affected customer pending the outcome of a hearing. Accordingly, we shall exercise our discretion to suspend the rates for one day, permitting the rates to take effect subject to refund thereafter on September 15, 1981.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the City. As noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of staff or the intervenor, a price squeeze persists, a second phase of the proceeding may follow.

**The Commission orders:** (A) CET's revised rates are hereby accepted for filing and suspended for one day from sixty days after filing, to become effective on September 15, 1981, subject to refund.

(B) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of CET's rates.

(C) The City of Cleveland is hereby permitted to intervene in this proceeding subject to rules and regulations of the Commission; *Provided, however*, that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further*, that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) The Commission staff shall serve top sheets in this proceeding on or before September 15, 1981.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy

Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27460 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 5095-000]

#### Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5095 known as the Bond Creek Water Power Project located on Bond Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

**Project Description**—The project would consist of: (1) a 2-foot high diversion structure; (2) a 3,700-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 300 kW; and (4) a 10,500-foot long, 5-kV transmission line which would connect the powerhouse to the existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 1,664,400 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$4,900.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or positions to intervene must be received on or before November 15, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing,

Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27461 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5099-000]

**Homestake Consulting & Investments, Inc., Application for Preliminary Permit**

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5099 known as the Kelly Creek Water Power Project located on Kelly Creek in Shoshone County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

**Project Description**—The project would consist of: (1) a 2-foot high diversion structure; (2) a 4,200-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) a 100-foot long, 120/240-V transmission line which would connect the powerhouse to the existing Washington Water Power Company transmission line. The Applicant estimates that the average annual energy production would be 499,300 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$2,750.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application.

Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

**Filing and Service of Responsible Documents**—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27642 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-578-000]

**Maine Yankee Atomic Power Co.; Order Granting Rehearing for Purposes of Further Consideration**

Issued: September 14, 1981.

By letter order dated July 15, 1981, the Commission advised Maine Yankee

Atomic Power Company (Maine Yankee) that initiation of billing for nuclear decommissioning costs under its FPC Rate Schedule No. 1 would constitute a rate schedule change requiring a filing under Part 35 of the Commission's regulations. An application for rehearing of that order was filed by Maine Yankee on August 14, 1981.

In order to afford additional time for consideration of the issues raised in the application for rehearing, we shall grant rehearing of the July 15, 1981 order solely for the purpose of further consideration. This action does not constitute a grant or denial of the application on its merits in whole or in part.

**The Commission orders:** (A) Rehearing of the July 15, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issue.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27463 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5203-000]

**Puget Sound Power and Light Co.; Application for Preliminary Permit**

September 14, 1981.

Take notice that Puget Sound Power and Light Company (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5203 to be known as the Goat Mountain Project located on South Fork Nooksack River in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power and Light Company, Puget Power Building, Bellevue, Washington 98009.

**Project Description**—The proposed project would consist of: (1) a 25-foot high, 60-foot long concrete gravity dam; (2) a concrete intake structure within the dam; (3) a 10-foot diameter, 2,500-foot

long tunnel; (4) an 8-foot diameter, 2,000-foot long steel penstock; (5) a powerhouse to contain a single generating unit with a rated capacity of 8,100 kW; (6) a tailrace connecting the powerhouse to an existing channel; (7) an existing road to be upgraded and extended to provide access to the powerhouse; and (8) a 55-kV transmission line extending south of the powerhouse to an existing line. The average annual energy output is 37.0 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is \$250,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments; a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 14, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION",

"PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-27464 Filed 9-18-81; 8:45 am]  
BILLING CODE 6450-85-M

## Energy Information Administration

### Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective October 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th and Pennsylvania Avenue NW., Rm. 4121, Washington, D.C. 20461, (202) 633-9710.

### Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the

ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	3.64
Arizona <sup>1</sup>	3.47
Arkansas <sup>1</sup>	2.99
California <sup>2</sup>	3.47
Colorado <sup>1</sup>	3.43
Connecticut <sup>1</sup>	4.00
Delaware <sup>1</sup>	3.82
Florida	3.56
Georgia <sup>1</sup>	3.75
Idaho <sup>1</sup>	3.43
Illinois	3.70
Indiana <sup>1</sup>	3.74
Iowa <sup>1</sup>	3.72
Kansas	3.55
Kentucky <sup>1</sup>	3.74
Louisiana	2.95
Maine	3.97
Maryland <sup>1</sup>	3.62
Massachusetts	3.95
Michigan <sup>1</sup>	3.74
Minnesota <sup>1</sup>	3.72
Mississippi <sup>1</sup>	3.75
Missouri	3.57
Montana <sup>1</sup>	3.43
Nebraska <sup>1</sup>	3.72
Nevada <sup>1</sup>	3.47
New Hampshire <sup>1</sup>	4.00
New Jersey <sup>1</sup>	3.82
New Mexico <sup>1</sup>	2.99
New York	3.72
North Carolina <sup>1</sup>	3.75
North Dakota <sup>1</sup>	3.72
Ohio	3.64
Oklahoma <sup>1</sup>	2.99
Oregon	3.29
Pennsylvania <sup>1</sup>	3.82
Rhode Island <sup>1</sup>	4.00
South Carolina <sup>1</sup>	3.75
South Dakota <sup>1</sup>	3.72
Tennessee <sup>1</sup>	3.75
Texas <sup>1</sup>	2.99
Utah <sup>1</sup>	3.43
Vermont <sup>1</sup>	4.00
Virginia <sup>1</sup>	3.75
Washington <sup>1</sup>	3.47
West Virginia <sup>1</sup>	3.74
Wisconsin	3.53
Wyoming	3.11

<sup>1</sup> Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

<sup>2</sup> Region based price and State price are identical after rounding.

### Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during July 1981 was \$38.83 per barrel. In

order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective October 1, 1981, is \$8.70 per million BTU's.

### Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

#### A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of May 1981, June 1981, and July 1981.<sup>1</sup> All reports of volume sold and price were identified by the State into which the oil was sold.

#### B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective October 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, May 1981, June 1981, July 1981. Reported prices for sales in May 1981 were adjusted by the percent change in the nationwide volume-weighted average price from May 1981 to July 1981. Prices for June 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from June 1981 to July 1981. The volume-weighted 3-month average of the adjusted May 1981 and June 1981, and the reported July 1981 prices was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and

associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighter 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States.

The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending September 11, 1981, and dividing that price by the corresponding weighted average price computed from prices published by *Platt's* for the month of July 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

#### Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

##### Region A

Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont

##### Region B

Delaware  
Maryland  
New Jersey  
New York  
Pennsylvania

##### Region C

Alabama  
Florida  
Georgia  
Mississippi  
North Carolina  
South Carolina  
Tennessee  
Virginia

##### Region D

Illinois  
Indiana  
Kentucky  
Michigan  
Ohio  
West Virginia  
Wisconsin

##### Region E

Iowa  
Kansas  
Missouri  
Minnesota  
Nebraska  
North Dakota

<sup>1</sup> Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

**South Dakota****Region F**

Arkansas  
Louisiana  
New Mexico  
Oklahoma  
Texas

**Region G**

Colorado  
Idaho  
Montana  
Utah  
Wyoming

**Region H**

Arizona  
California  
Nevada  
Oregon  
Washington

Issued in Washington, D.C., September 17, 1981.

J. Erich Evered,  
Administrator, Energy Information  
Administration.

[FR Doc. 81-27518 Filed 9-18-81; 9:41 am]  
BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION  
AGENCY**

[OPTS-59059B; TSH-FRL 1936-4]

**1-Amino-4-(Phenylamino)-9,10-Dihydro-9,10-Dioxo-2-((3'-Propanesulfonic Acid)Oxo) Anthracene, Sodium Salt; Approval of Test Marketing Exemption**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA received an application for a test marketing exemption (TM-81-28) under section 5 of the Toxic Substances Control Act (TSCA) on August 11, 1981. Notice of receipt of the application was published in the Federal Register of August 20, 1981 (46 FR 42331). EPA has granted the exemption.

**EFFECTIVE DATE:** This exemption is effective on September 11, 1981.

**FOR FURTHER INFORMATION CONTACT:** Rachel S. Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

**SUPPLEMENTARY INFORMATION:** Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance

that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 11, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-28. The manufacturer has claimed its identity as confidential business information. The specific chemical identity is 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'-propanesulfonic acid)oxo) anthracene, sodium salt, and the substance will be used as a site-limited intermediate. A maximum of two kilograms will be manufactured for test market purposes, during a test marketing period not to exceed one year. During manufacture and processing, a total of 18 workers may be exposed to the TME substance for 250 days. A notice published in the Federal Register of August 20, 1981 (46 FR 42331) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-28, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no

significant health or environmental concerns for the TME substance. The low production volume will result in minimal worker contact with the new substance. No consumer exposure is expected, as the new substance will be a site-limited intermediate.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) and amounts of manufacture of the new chemical and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of two kilograms described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: September 11, 1981.

John W. Hernandez, Jr.,  
Acting Administrator.

[FR Doc. 81-27323 Filed 9-18-81; 8:45 am]  
BILLING CODE 6560-31-M

[OPTS-59059A; TSH-FRL 1936-3]

**Sodium Salt of the Sulfonated Reaction Products of 1-Amino-4-(Phenylamino)-9, 10-Dihydro-9, 10-Dioxo-2-((3'-Propanesulfonic Acid) Oxo) Anthracene; Approval of Test Marketing Exemption**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA received an application for a test marketing exemption (TM-81-27) under section 5 of the Toxic

Substances Control Act (TSCA) on August 11, 1981. Notice of receipt of the application was published in the Federal Register of August 20, 1981 (46 FR 42331). EPA has granted the exemption. **EFFECTIVE DATE:** This exemption is effective on September 11, 1981.

**FOR FURTHER INFORMATION CONTACT:** Rachel S. Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

**SUPPLEMENTARY INFORMATION:** Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(d) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 11, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-27. The manufacturer has claimed its identity and the specific use of the chemical as confidential business information. The specific chemical identity is sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9, 10-dihydro-9, 10-dioxo-2-((3'-propanesulfonic acid) oxo)

anthracene), and the substance will be incorporated into an article. A maximum of two kilograms will be manufactured for test marketing purposes, and it will be processed at two sites during a test marketing period not to exceed one year. During manufacture, a total of 18 workers may be exposed to the TME substance for 250 days. During processing, up to 198 workers may be exposed for up to 335 days. A notice published in the Federal Register of August 20, 1981 (46 FR 42331) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-27, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. The low production volume will result in minimal worker contact with the new substance. No consumer exposure is expected, as the new substance will be incorporated into an article.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) and amounts of manufacture of the new chemical, and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of two kilograms described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of its substance under the conditions specified in the application will not present an

unreasonable risk of injury to human health or the environment.

Dated: September 11, 1981.

John W. Hernandez, Jr.,  
Acting Administrator.

[FR Doc. 81-27388 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-31-M

## FEDERAL RESERVE SYSTEM

### Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Beltway Bank, Houston, Texas, through the acquisition of Beltway Bancshares, Inc., Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27346 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

### Allied Beltway Bancshares, Inc.; Formation of Bank Holding Company

Allied Beltway Bancshares, Inc., Houston, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Beltway Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be

received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27347 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **Banco de Venezuela International; Establishment of U.S. Branch**

Banco de Venezuela International, Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in New York, New York. Banco de Venezuela International operates as a subsidiary of Banco de Venezuela, S.A., Caracas, Venezuela.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27348 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **Citicorp; Proposed Acquisition of Citicorp Government Securities, Inc.**

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire

voting shares of Citicorp Government Securities, Inc.

Applicant states that the proposed subsidiary would engage in the solicitation, underwriting, dealing in, purchase, and sale of obligations of the United States, general obligations of various States and political subdivisions thereof and such other obligations, including money market instruments such as bankers acceptances and certificates of deposit, as state member banks may from time to time be authorized to underwrite and deal in. These activities would be performed from offices of Applicant's subsidiary in New York, New York, and the geographic area to be served is the entire United States.

None of the proposed activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, but the Board has approved the activities by order. Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 15, 1981.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27349 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **Colonial Banc Corp.; Formation of Bank Holding Company**

Colonial Banc Corp., Eaton, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding

Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Eaton National Bank and Trust Company, Eaton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27350 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **First Citizens Bancorp of Indiana; Formation of Bank Holding Company**

First Citizens Bancorp of Indiana, Anderson, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Citizens Banking Company, Anderson, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27351 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **Flagler Bankshares, Inc.; Formation of Bank Holding Company**

Flagler Bankshares, Inc., Flagler, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.6 per cent or more of the voting shares of First National Bank of Flagler, Flagler, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27352 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **Flagship Banks, Inc.; Acquisition of Bank**

Flagship Banks, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Flagship National Bank of Highlands County, Sebring, Florida. The bank with which Bank is to be merged is the First National Bank of Sebring, Sebring, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve

System, Washington, D.C. 20551, to be received not later than October 15, 1981. Any Comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michel Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27353 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **GRP, Inc.; Formation of Bank Holding Company**

GRP, Inc., Atlanta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First Cobb Bankshares, Inc., Marietta, Georgia and thereby indirectly acquiring 100 per cent of the voting shares of First Bank & Trust Co., Marietta, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27354 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **Hongkong Bank International; Corporation to Do Business Under Section 25(a) of the Federal Reserve Act**

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Hongkong Bank International, Houston,

Texas. Hongkong Bank International would operate as a subsidiary of The Hongkong and Shanghai Banking Corporation, Hong Kong, China. The factors that are considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,  
*Assistant Secretary of the Board.*

[FR Doc. 81-27355 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

#### **Independence Bancshares, Inc.; Formation of Bank Holding Company**

Independence Bancshares, Inc., Independence, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Security State Bank, Independence, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-27356 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

### NBC Bancshares, Inc.; Formation of Bank Holding Company

NBC Bancshares, Inc., Jefferson, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 66% per cent or more of the voting shares of the successor by merger to the National Bank of Commerce in Jefferson Parish, Jefferson, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-27357 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

### Suburban Bankshares, Inc.; Formation of Bank Holding Company

Suburban Bankshares, Inc., Lake Worth, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Suburban Bank, Lake Worth, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that

requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-27358 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Board of Scientific Counselors, NIA; meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, November 2-3, 1981, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on Monday, November 2, and from 9:00 a.m. until 1:30 p.m. on Tuesday, November 3. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 3, from 1:30 p.m. until adjournment for the review, discussion and evaluation of individual programs, and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA Building 31, Room 2C-05, National Institutes of Health, Bethesda, Maryland 20205, (telephone: 301/496-5898) will provide a summary of the meeting and a roster of committee members. Dr. Richard C. Greulich, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will furnish substantive program information.

Dated: September 14, 1981.

Thomas E. Malone, Ph.D.,

*Acting Director, NIH.*

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 81-27315 Filed 9-18-81; 8:45 am]

BILLING CODE 4110-08-M

### National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, October 15 and 16, 1981, at 9 a.m. in Building 31-C, Conference Room 6, National Institutes of Health, Bethesda, MD 20205. In addition, a meeting of the Planning subcommittee of the above Council will be held on October 14, 1981, at 1 p.m. to approximately 5:30 p.m. in Building 31, Room 8A28, National Institutes of Health, Bethesda, MD 20205.

The meeting of the full Council will be open to the public from 9 a.m. until approximately 11:30 a.m. on October 15, 1981, to discuss administration, management and special reports. The meeting of the Planning Subcommittee will be open from 1 p.m. to approximately 3 p.m. on October 14 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the Advisory Council meeting will be closed to the public from approximately 11:30 a.m. on October 15, 1981, until the conclusion of the meeting that day, and from 8:30 a.m. until adjournment on October 16, 1981, for review, discussion and evaluation of Research Grant applications and applications for Teacher, Investigator Awards, Research Career Development Awards, and Institutional National Research Service Awards. The meeting of the Planning Subcommittee will be closed from approximately 3 p.m. to adjournment on October 16, 1981, also for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, HHH, NINCDS, Bethesda, Maryland, 20205, telephone (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496-9248, will furnish substantive program information.

Dated: August 18, 1981.

Thomas E. Malone, PH.D.

*Deputy Director, National Institutes of Health.*

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program; No. 13.852, Neurological Disorders Program; No. 13.853, Stroke and Nervous System Trauma; No. 13.854, Fundamental Neurosciences Program, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 81-27313 Filed 9-18-81; 8:45 am]

BILLING CODE 4110-08-M

#### **National Cancer Advisory and Board Subcommittees; Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees on National Organ Site Programs, Special Actions for Grants, and Planning and Budget, October 4-7, 1981, National Cancer Institute, Building 31C, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. Portions of the Board meeting will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National

Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of Committee: *National Cancer Advisory Board.*

Dates of Meeting: October 5-7, 1981.

Place of Meeting: Building 31C, Conference Room 6, National Institutes of Health.

Open: October 5, 8:30 a.m.-3:00 p.m., October 7, 8:30 a.m. to adjournment.

Agenda: October 5, Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute; Toxicology Studies, Pros and Cons of Animal Models, review of joint studies with Formaldehyde Institute, Human Hybridoma Studies, and reports on the NCAB Subcommittees.

Closed Session: October 6, 8:30 a.m. to adjournment.

Closure Reason: To review research grant applications.

Name of Committee: *Subcommittee on National Organ Site Programs.*

Date of Meeting: October 4, 1981.

Place of Meeting: Building 31C, Conference Room 8, National Institutes of Health.

Open: October 4, 7:30-8:30 p.m.

Agenda: To develop guidelines for the November Organ Site Program review.

Closed: October 4, 8:30 p.m. to adjournment.

Closure Reason: To review organ site program grant applications.

Name of Committee: *Subcommittee on Special Actions for Grants.*

Date and Place of Meeting: October 5, 3:15 p.m. to adjournment, Building 31A, Room 11A-10.

Closed for the Entire Meeting.

Agenda: Review of individual grants.

Name of Committee: *Subcommittee on Planning and Budget.*

Date and Place of Meeting: October 5, 7:30 p.m. to adjournment, Building 31A, Room 11A-10.

Open for the Entire Meeting.

Agenda: To discuss the 1982 and 1983 Budgets and the NCI Evaluation Plan.

Dated: September 14, 1981.

Thomas E. Malone, Ph. D.,

*Deputy Director, NIH.*

(Catalog of Federal Domestic Assistance Program Numbers: 13.392, project grants in cancer construction; 13.293, project grants in cancer cause and prevention; 13.394, project grants in cancer detection and diagnosis; 13.395, project grants in cancer treatment; 13.396, project grants in cancer biology; 13.397, project grants in cancer centers support; 13.398, project grants in cancer research manpower; 13.399, project grants and contracts in cancer control)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

[FR Doc. 81-27314 Filed 9-18-81; 8:45 am]

BILLING CODE 4110-08-M

#### **Public Health Service**

#### **National Toxicology Program Board of Scientific Counselors; Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the auditorium, Robert A. Taft Laboratories, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio, on October 22 and 23, 1981.

The meeting will open to the public from 8:45 a.m. to 4:00 p.m., October 22. The preliminary agenda is as follows:

8:45 a.m.-11:30 a.m.—Review of NTP Program in Inhalation Toxicology  
11:30 a.m.-12:00 noon—Other Business  
1:00 p.m.-2:30 p.m.—Review of NTP Program in Neurobehavioral Toxicology  
2:30 p.m.-4:00 p.m.—NTP Cellular and Genetic Toxicology Program—Concept Review and Status Report on Short-Term Test Development Initiatives

In according with the provisions set forth in Section 552b(c)(6) Title 5 U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on October 22 from 4:00 p.m. to adjournment for further evaluation of NTP programs in inhalation toxicology, and neurobehavioral toxicology, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The meeting on October 23 will be open to the public from 8:45 a.m. to adjournment. The preliminary agenda is as follows:

8:45 a.m.-12:00 noon—Peer Review and Priority Ranking of Chemicals Nominated for NTP Testing. (Twenty-six chemical nominations will be reviewed and are listed in the Federal Register, Volume 46, page 35792, July 10, 1981 and Volume 46, page 38143, July 24, 1981.)  
1:00 p.m.-2:00 p.m.—Recommendations for Categorizing Bioassay Results as to Strength of Evidence for Carcinogenicity in Animals

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541-3971, FTS 629-3971, will furnish summary minutes of the meeting, rosters of Board members, and other program information.

Dated: September 15, 1981.

David P. Rall,  
Director, National Toxicology Program.  
[FR Doc. 81-27316 Filed 9-18-81; 8:45 am]  
BILLING CODE 4110-08-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Upper Skagit, Wash.; Establishment of Reservation

September 10, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Notice is hereby given that under the authority of Section 7 of the Act of June 18, 1934 (48 Stat. 984), the hereinafter described tracts of land, located in Skagit County, Washington, were proclaimed to be an Indian reservation, effective on September 10, 1981, for the use and benefit of the Upper Skagit Indian Tribe.

#### Tract No. THC-3900

The South 400 feet as measured along the East line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 31, T. 36 N., R. 4 E., Willamette Meridian lying East of the Easterly boundary of the I-5 Highway right-of-way, containing 5.80 acres.

#### Tract No. THC-3900-B

The North 388.50 feet of the South 788.50 feet as measured along the East line of that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 31, T. 36 N., R. 4 E., Willamette Meridian, lying East of the Easterly boundary of the I-5 Highway right-of-way, containing 5.7429 acres, more or less.

#### Tract No. T1121

The West 60 feet of the following described tract: That portion of Government Lot 3, Section 6, Township 35 North, Range 4 East, Willamette Meridian, lying Northerly of the Old Bow Hill County Road (as located prior to January 18, 1963), and Easterly of the East line of Primary State Highway No. 1, as conveyed to the State of Washington by deed dated October 9, 1958, recorded October 30, 1958, under Auditor's File No. 572316.

#### Tract No. T1124

That portion of Government Lot 3, Section 6, Township 35 North, Range 4 East, Willamette Meridian, lying Northerly of the Old Bow Hill County Road (as located prior to January 18, 1963), and Easterly of the East line of Primary State Highway No. 1 as conveyed to the State of Washington by deed, dated October 9, 1958, recorded October 30, 1958, under the Auditor's File No. 572316.

Except the West 60 feet thereof as conveyed to the United States of America in trust for the Upper Skagit Indian Tribe by deed, dated April 5, 1977, recorded April 21, 1977, under Auditor's File No. 855055.

#### Tract No. T1131

Tract 1, Short Plat 45-80, approved July 3, 1980, recorded July 7, 1980, under Auditor's File No. 8007070006 in Volume 4 of Short Plats, pages 131 and 132. Being located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 31, T. 36 N., R. 4 E., Willamette Meridian.

#### Tract No. T1132

*Parcel A:* The North 5 acres of that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 9, T. 35 N., R. 5 E., Willamette Meridian, lying West of the Bonneville Power Administration right-of-way. The South line of said 5 acres to be parallel to the North line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

*Parcel B:* That part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 8, T. 35 N., R. 5 E., Willamette Meridian, lying East of the abandoned railroad right-of-way, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

*Parcel C:* That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 8, T. 35 N., R. 5 E., Willamette Meridian, described as follows: Beginning at a cedar post located on the section line of the NE corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$  which cedar post is designated as the beginning point in that deed to W. A. Stiles, et ux., dated January 24, 1920, filed 2-24-20, as File No. 139489 and recorded in Volume 113 of deeds at page 523, thence south 191.4 feet to a stake as designated in said deed on the North side of the County Road; thence south 76°45' W. 495 feet; thence S. 46°45' W. 372.9' along the North side of public road as designated in said deed to a cedar post as designated in said deed near a small stream from which a hemlock tree six inches in diameter as designated in said deed bears west 25.08 feet; thence north 559.69' to a cedar post as designated in said deed from which an alder tree as designated in said deed 14" in diameter east 10.56' thence East 753.06' to the point of beginning. EXCEPT that portion of said premises, if any, lying within any existing road or highway; all of the above being situated in Sec. 8, T. 35 N., R. 5 E., Willamette Meridian.

Said lands being subject to all valid rights, reservations, rights-of-way, and easements of record.

The reservation is under the administrative jurisdiction of the Area Director, Portland, P.O. Box 3785, Portland, Oregon 97208. The official custody of the land records for the reservation is with the Portland Title Plant (same address as above), and that office is the office of record for recording and maintenance of these records.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-27447 Filed 9-18-81; 8:45 am]

BILLING CODE 4310-02-M

### Bureau of Land Management

[AA-28106]

#### Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On September 21, 1979, Patent No. 50-79-0151 and Interim Conveyance No. 243 were issued to Cook Inlet Region, Inc., for 2,355.48 acres and 941.37 acres, respectively, of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369), and are described as follows:

Patent No. 50-79-0151 of September 21, 1979—

Seward Meridian, Alaska (Surveyed)

T. 16 N., R. 2 W.,  
Sec. 9, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 20 acres.

T. 17 N., R. 2 W., Sec. 1, lots 3 and 4,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 16, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ; Sec. 36, N $\frac{1}{2}$ N $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing 990.30 acres.

T. 18 N., R. 2 W.,  
Sec. 34, lot 6.  
Containing 1.13 acres.

T. 16 N., R. 3 W.,  
Sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Containing 40 acres

T. 17 N., R. 3 W.,  
Sec. 5, lot 8;  
Sec. 36, all.  
Containing 667.73 acres.

T. 18 N., R. 3 W.,  
Sec. 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
Containing 120 acres.

T. 16 N., R. 4 W.,

Sec. 11, lot 6.  
Containing 11.21 acres.

T. 17 N., R. 4 W.,  
Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, lots 20 to 27 and 29 to 35, inclusive,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 31, lots 8, 9, 10, 11, 14 and 15,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 32, lots 18, 39, 40 and 47, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Containing 505.11 acres.  
Aggregating 2,355.48 acres.

Interim Conveyance No. 243 of September 21, 1979

Seward Meridian, Alaska (Surveyed)

T. 17 N., R. 1 W.,  
Sec. 16, that portion of the SW $\frac{1}{4}$ , southerly  
of Wasilla-Goose Bay Road right-of-way.  
Containing approximately 109 acres.

T. 18 N., R. 1 W.,  
Sec. 16, Tracts A, B and C of ASLS 72-26.  
Containing approximately 74.246 acres.

T. 16 N., R. 2 W.,  
Sec. 16 N $\frac{1}{2}$  of lot 2.  
Containing approximately 19.27 acres.

T. 17 N., R. 2 W.,  
Sec. 36, lots 4, 6, 7, 8, 10, 11, 12, and 14 of  
Block 1 and lots 4, 5, 8 and 9 of Block 2,  
Lucy Lake Alaska Subdivision;  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , excluding Block 1 of Lucy  
Lake Alaska Subdivision, Hayfield Road  
and Lucy Lake.  
Containing approximately 46.29 acres.

T. 18 N., R. 3 W.,  
Sec. 36, lots 1 to 26, inclusive, of Block 1;  
lots 1, 2, 3, 4, 5 and 16 of Block 3; lots 2, 7,  
8, 12 and 13 of Block 5; lots 5, 14, 15, 16,  
17 and 18 of Block 6; lots 1 to 5, inclusive,  
of Block 7; lot 1 of Block 8; lots 11, 12 and  
15 of Block 9; lots 1 to 22, inclusive, of  
Block 10; and lots 1, 2 and 3 of Block 11;  
Cheri Lake Alaska Subdivision.  
Containing approximately 104.892 acres.

T. 17 N., R. 4 W.,  
Sec. 36, lots 11, 12 and 13 of Block 1, South  
Big Lake Alaska Subdivision; Tract 1-B,  
South Big Lake Alaska Subdivision,  
excluding SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Containing approximately 95.672 acres.

T. 17 N., R. 5 W.,  
Those portions of Tract "A" more  
particularly described as (protracted):  
Sec. 9, N $\frac{1}{2}$ , excluding lots 8 and 9 of U.S.  
Survey No. 4639 and lakes, SW $\frac{1}{4}$ ,  
excluding lot 9 of U.S. Survey No. 4639  
and lake, E $\frac{1}{2}$ SE $\frac{1}{4}$ , excluding lake,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , excluding lake,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , excluding lot 7 of U.S.  
Survey No. 4637 and West Papoose  
Twins Lake.  
Containing approximately 492 acres.  
Aggregating approximately 941.37 acres.

Pursuant to Sec. 17(b) of the Alaska  
Native Claims Settlement Act of  
December 18, 1971 (43 U.S.C. 1601,  
1616(b)), the following public easements,

referenced by easement identification  
number (EIN) on the easement maps  
attached to this document, copies of  
which will be found in case file AA-  
29595, are reserved to the United States.  
All easements are subject to applicable  
Federal, State, or Municipal Corporation  
regulation. The following is a listing of  
uses allowed for each type of easement.  
Any uses which are not specifically  
listed are prohibited.

**25 Foot Trail**—The uses allowed on a  
twenty-five (25) foot wide trail easement are:  
travel by foot, dogsled, animals,  
snowmobiles, two- and three-wheel vehicles,  
and small all-terrain vehicles (less than 3,000  
lbs. Gross Vehicle Weight (GVW)).

**60 Foot Road**—The uses allowed on a sixty  
(60) foot wide road easement are: travel by  
foot, dogsled, animals, snowmobiles, two-  
and three-wheel vehicles, small and large all-  
terrain vehicles, track vehicles, four-wheel  
drive vehicles, automobiles, and trucks.

a. (EIN 2 C5) An easement twenty-five (25)  
feet in width for an existing trail along the  
north shore of Knik Arm in Sec. 9, T. 16 N., R.  
2 W., Seward Meridian. The uses allowed are  
those listed above for a twenty-five (25) foot  
wide trail easement.

b. (EIN 3 C5) An easement sixty (60) feet in  
width for an existing road beginning at the  
Hayfield Road north of Lucy Lake in Sec. 36,  
T. 17 N., R. 2 W., Seward Meridian. The uses  
allowed are those listed above for a sixty (60)  
foot wide road easement.

c. (EIN 4 C5) An easement twenty-five (25)  
feet in width for an existing trail in Sec. 9, T.  
17 N., R. 5 W., Seward Meridian. The uses  
allowed are those listed above for a twenty-  
five (25) foot wide trail easement.

d. (EIN 7 D2) An easement twenty-five (25)  
feet in width for an existing trail in Sec. 36, T.  
17 N., R. 2 W., Seward Meridian. The uses  
allowed are those listed above for a twenty-  
five (25) foot wide trail easement.

When this decision becomes final,  
revised conveyance documents will be  
issued to Cook Inlet Region, Inc., for the  
above-described lands reflecting the  
easements identified above. The revised  
conveyance documents will remain  
subject to all other rights, terms,  
conditions, and covenants contained in  
Patent No. 50-79-0151 and Interim  
Conveyance No. 243, respectively.

In accordance with Department  
regulation 43 CFR 2650.7(d), notice of  
this decision is being published once in  
the Federal Register and once a week,  
for four (4) consecutive weeks, in the  
Anchorage Daily News.

Any party claiming a property interest  
in lands affected by this decision, an  
agency of the Federal government, or  
regional corporation may appeal the  
decision to the Alaska Native Claims  
Appeal Board, P.O. Box 2433,  
Anchorage, Alaska 99510 with a copy  
served upon both the Bureau of Land  
Management, Alaska State Office, 701 C  
Street, Box 13, Anchorage, Alaska 99513

and the Regional Solicitor, Office of the  
Solicitor, 510 L Street, Suite 408,  
Anchorage, Alaska 99501. The time  
limits for filing an appeal are:

1. Parties receiving service of this  
decision shall have 30 days from the  
receipt of this decision to file an appeal.

2. Unknown parties, parties unable to  
be located after reasonable efforts have  
been expended to locate, and parties  
who failed or refused to sign the return  
receipt shall have until October 21, 1981  
to file an appeal.

Any party known or unknown who is  
adversely affected by this decision shall  
be deemed to have waived those rights  
which were adversely affected unless an  
appeal is timely filed with the Alaska  
Native Claims Appeal Board.

To avoid summary dismissal of the  
appeal, there must be strict compliance  
with the regulations governing such  
appeals. Further information on the  
manner of and requirements for filing an  
appeal may be obtained from the Bureau  
of Land Management, 701 C Street, Box  
13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be  
served with a copy of the notice of  
appeal is: Cook Inlet Region, Inc., P.O.  
Drawer 4-N, Anchorage, Alaska 99509.  
Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-27359 Filed 9-16-81; 8:45 am]

BILLING CODE 4310-84-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carrier Temporary Authority Application

The following are notices of filing of  
applications for temporary authority  
under Section 10928 of the Interstate  
Commerce Act and in accordance with  
the provisions of 49 CFR 1131.3. These  
rules provide that an original and two  
(2) copies of protests to an application  
may be filed with the Regional Office  
named in the Federal Register  
publication no later than the 15th  
calendar day after the date the notice of  
the filing of the application is published  
in the Federal Register. One copy of the  
protest must be served on the applicant,  
or its authorized representative, if any,  
and the protestant must certify that such  
service has been made. The protest must  
identify the operating authority upon  
which it is predicated, specifying the  
"MC" docket and "Sub" number and  
quoting the particular portion of  
authority upon which it relies. Also, the  
protestant shall specify the service it  
can and will provide and the amount  
and type of equipment it will make

available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

#### Motor Carriers of Property

##### Notice No. F-154

The following applications were filed in Region I: Send Protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 149216 (Sub-1-2TA), filed September 3, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew Street, Newton Highlands, MA 02161. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Contract carrier; irregular routes: Such commodities as are dealt in by a manufacturer or distributor of plastic products, food products, fabric and textile products and shoe products* between points in MA on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Chelsea Industries, Inc., of Boston, MA and its subsidiaries, affiliates and divisions. Supporting shipper: Chelsea Industries, Inc., 1360 Soldiers Field Road, Boston, MA 02135.

MC 158081 (Sub-1-1TA), filed September 4, 1981. Applicant: J. R. SOPKO, INC., Box 177, Cooks Cross Road, Pittstown, NJ 08867. Representative: John R. Sopko (same address as applicant). *Contract carrier; irregular routes: Petroleum products and by-products and hazardous waste in bulk, in tank vehicles, and in drums* between points in the U.S. under continuing contract(s) with Brookhaven National Laboratory, Upton, Long Island, NY. Supporting shipper: Brookhaven National Laboratory, Upton, Long Island, NY.

MC 151193 (Sub-1-23TA), filed September 3, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same as Applicant). *Contract carrier; irregular routes: Dry pasta products, dry noodle*

*macaroni, and spaghetti products, with or without additives*, from Jersey City, NJ, to Atlanta and Thomasville, GA, Miami, Jacksonville, Lakeland, Ocala, Orlando, Pompano Beach, Tampa and Quincy, FL, under continuing contract(s) with C.F. Mueller Company, Jersey City, NJ. Supporting shipper: C. F. Mueller, 180 Baldwin Avenue, Jersey City, NJ.

MC 151941 (Sub-1-5TA), filed September 3, 1981. Applicant: DELMONT E. HARTT, INC., U.S. Rt. 2, Etna, ME 04435. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Frozen and dry foodstuffs* from points in ME to points in CT, DC, FL, GA, IL, IN, MA, MD, MI, MN, NC, NJ, NY, OH, PA, RI, SC, VA, WI, and WV. Supporting shipper(s): A. K. F. Foods, Inc., d.b.a. Potato Service, P.O. Box 809, Presque Isle, ME 04769; Allens Blueberry Freezer, Inc., 248 Main St., Ellsworth, ME; Merrill's Blueberry Farms, Inc., Main St., Ellsworth, ME; McCain Foods, Inc., P.O. Box 281, Washburn, ME 04788.

MC 147915 (Sub-1-4TA), filed September 3, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, DC 20036-4579. *Household cleaning products, cleaning agents, and materials, equipment and supplies used in the manufacture and distribution of these commodities (except commodities in bulk)*, between the facilities of Purex Corporation, on the one hand, and, on the other, points in the U.S. Supporting shipper: Purex Corporation, 1414 Radcliff Street, Bristol, PA 19007.

MC 151078 (Sub-1-6TA), filed September 3, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey City, NJ 07303. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. *Contract carrier; irregular routes: Plastic pellets and resins*, from Houston, TX, to points in the U.S., under continuing contract(s) with Bamberger Polymers, Inc., Houston, TX. Supporting shipper: Bamberger Polymers, Inc., 6401 Cavalcade Street, Houston, TX 77026.

MC 145468 (Sub-1-8TA), filed September 3, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 & Adams Station, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Road, Omaha, NE 68114. *Food and related products, and such commodities as are dealt in or used by restaurants*, between points in Los Angeles and San

Francisco, CA; Dallas, TX; Chicago, IL; Bridgeport, NJ; Orlando, FL; and Bonner Springs, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Proficient Foods Company, 17872 Cartwright Road, Irvine, CA 92714.

MC 150559 (Sub-1-3TA), filed September 3, 1981. Applicant: EMERSON EXPRESS CO., INC., 545 Lyell Avenue, Rochester, NY 14606. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Contract carrier; irregular routes: Cellulose insulation, insulation blowing machines, roof vents, backer boards and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities* between points in CT, DE, MA, ME, MD, NJ, NY, NH, PA, RI and VT, under continuing contract(s) with Forest Wool, Inc., Rochester, NY. Supporting shipper: Forest Wool, Inc., 1 Curlew St., Rochester, NY 14606.

MC 154631 (Sub-1-6TA), filed September 8, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier; irregular routes: (1) Plastics, from Slatersville, RI to points in the U.S. (except AK and HI) and, (2) Equipment, materials and supplies used in the manufacture, distribution and sale of plastics*, from the above-named destinations to the above-named origins, under a continuing contract(s) with Service Color Corp. of Rhode Island of Slatersville, RI. Supporting shipper: Service Color Corp. of Rhode Island, Woonsocket Industrial Park, Slatersville, RI 02895.

MC 133590 (Sub-1-7TA), filed September 8, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities (except Classes A and B explosives and hazardous waste)*, between the facilities of Carl Zeiss, Inc. located at points in the U.S. on the one hand, and, on the other, points in the U.S. Supporting shipper: Carl Zeiss, Inc., 1 Skyline Drive, Hawthorne, NJ 07506.

MC 127955 (Sub-1-9TA), filed September 8, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. and Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Foodstuffs and food related products*, between Lehigh and Westmoreland Counties, PA, Oswego County, NY, Rockingham County, NC, Dougherty and

Lee Counties, GA on the one hand, and, on the other, Camden County, NJ. Supporting shipper: Hub Beer Dist., Inc., 1102 Ferry Ave., Camden, NJ 08104.

MC 149579 (Sub-1-4TA), filed September 8, 1981. Applicant: TRANSPORT SERVICE, INC., 216 Amaral Street, P.O. Box 4167, East Providence, RI 02914. Representative: Jeffrey A. Vogelmann, Suite 400, Overlook Bldg., 6121 Lincoln Road, Alexandria, VA 22312. *Metal articles and building materials and building supplies*, between points in the Providence, RI commercial zone, on the one hand, and, on the other, points in the U.S. in and east of the western borders of MN, IA, MO, AR, and LA. Supporting shipper(s): Synergy Methods, Inc., 1367 Elmwood Avenue, Cranston, RI 02910; Clifford Metal Sales Co., Inc., 200 Corliss Street, Providence, RI 02940.

MC 158004 (Sub-1-1TA), filed September 2, 1981. Applicant: ADVANCED DELIVERY SYSTEMS, INC., 16 Cross Highway, Westport, CT 06880. Representative: Vito F. Canuso, Jr., Esq., 2700 Two Girard Plaza, Philadelphia, PA 19102. *Contract carrier; irregular routes: Retail home furnishings* from Concordville, Delaware County, PA, to Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Montgomery and Philadelphia Counties, PA, and the states of NJ, MD, and DE, under continuing contract(s) with Town and County Fine Furniture, Concordville, PA. Supporting shipper: Town and Country Fine Furniture Inc., P.O. Box 1000, Concordville, PA 19331.

MC 158036 (Sub-1-1TA), filed September 2, 1981. Applicant: MKM TRUCKING, INC., 106 Chestnut Street, Cherry Hill, NJ 08002. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are sold or dealt in by retail stores department stores, or discount houses*, (1) between the facilities utilized by MKM Trucking Inc., at or near Cherry Hill, NJ, on the one hand, and, on the other, points in NJ, NY, PA, DE, MD, VA, and DC; and (2) between the facilities utilized by MKM Trucking, Inc., at or near Dallas, TX, on the one hand, and, on the other, points in OK, TX, KS, and MO. Supporting shipper: Paul Harris Stores, Inc., 6003 Suon Rd., Indianapolis, IN 46254.

MC 40815 (Sub-1-4TA), filed September 4, 1981. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Avenue, North Merrick, NY 11566. Representative: William H. Shawn, Suite 501, 1730 M Street, N.W., Washington, DC 20036-4579. *Passengers and their baggage and express and newspaper shipments, in the same*

*vehicle with passengers* (1) between Bay Shore, NY and New York City, NY, from Bay Shore over NY Hwy. 27 to Merrick Avenue, then over Merrick Avenue to Jerusalem Avenue, then over Jerusalem Avenue to Washington Avenue, then over Washington Avenue to Clinton Street, then over Clinton Street to the Jerico Turnpike, then over the Jerico Turnpike to Springfield Blvd., then over Springfield Blvd. to Hillside Avenue, then over Hillside Avenue to Interstate Hwy. 495, then over Interstate Hwy. 495 to Midtown Tunnel, then to the Port Authority and George Washington Bridge Terminals in New York City, NY, and return over the same route, and (2) between Hauppauge, NY, and New York City, NY, from Hauppauge over Interstate Hwy. 495 to the Midtown Tunnel, then to the Port Authority and George Washington Bridge Terminals, in New York City, NY, and return over the same route, service in (1) and (2) above all intermediate points in Nassau, Queens, and Suffolk Counties, NY. Supporting shipper(s): There are 72 shippers and public witness supporting this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 155643 (Sub-1-1TA), filed September 4, 1981. Applicant: TRANSPORT LIMOUSINE OF LONG ISLAND, INC., 1600 Locust Avenue, Bohemia, NY 11716. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Passengers and their baggage, in 20 passenger vehicles, in special and charter operations*, beginning and ending at points in Nassau and Suffolk Counties, NY, and extending to points in CT, DE, DC, MD, MA, NH, NJ, PA, RI, and VT. Supporting shipper(s): There are ten statements in support of this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 139985 (Sub-1-1TA), filed September 3, 1981. Applicant: BROTHERS TRUCK RENTALS, INC., 264 Illinois Avenue, Paterson, NJ 07507. Representative: Peter Gregory Lordi, Jr., 4 Richard Court, Butler, NJ 07405. *Contract carrier; irregular routes: (1) Textiles and related products, and (2) equipment, materials and supplies used in the manufacture, sale and distribution of the commodities named in (1) above except in bulk in tank vehicles* between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT and WV under continuing contract(s) with United Yarn Products Co., Inc., Fiberspun Incorporated and Amerspun Corporation all of Wayne, NJ.

Supporting shipper: United Yarn Products Co., Fiberspun Incorporated and Amerspun Corporation, all with the address of 400 Newmark Pompton Turnpike, Wayne, NJ 07470.

MC 3717 (Sub-1-1TA), filed September 3, 1981. Applicant: SERVICE WAREHOUSE COMPANY, INC., P.O. Box 2218, Hunter Street Freight Yard, Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foods* from Englewood, NJ to points in VT and ME. Supporting shipper: Universal Foods Corp., 2011 Rolls Ave., Baltimore, MD 21222.

MC 156318 (Sub-1-2TA), filed September 3, 1981. Applicant: SUNRISE FREIGHT SERVICE, INC., 637 Central Avenue, Newark, NJ 07107. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier; irregular routes: (1) Steel and alloy products and other commodities described in STCC 33 and 34, and materials and supplies used in the manufacturing and sales thereof, except in bulk*, between Philadelphia, PA, and Newark, Trenton and Wallington, NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Speedline, Inc., Philadelphia, PA; and (2) *Light bulbs, incandescent and fluorescent and materials and supplies used in the manufacturing and sales thereof, except in bulk*, between East Brunswick and Finderne, NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Action Tungsram, Inc., East Brunswick, NJ. Supporting shipper(s): Speedline, Inc., P.O. Box 12788, Philadelphia, PA 19134; Action Tungsram, Inc., 11 Elkins Road, East Brunswick, NJ.

MC 151430 (Sub-1-2TA), filed September 3, 1981. Applicant: SAN-DEE TRUCKING CORP., 19 Chapel Street, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Food or kindred products, and materials and supplies used in the manufacturing, packaging and sales thereof, except in bulk* between commercial zones of New York, NY, Philadelphia, PA, Hammonton, NJ, Dayville, CT, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): L. A. Picirillo, Inc., and J. D. Beverage Corp., 19 Chapel Street, Newark, NJ 07105.

MC 152320 (Sub-1-2TA), filed September 3, 1981. Applicant: VERSPEETEN CARTAGE LIMITED, 67 Dalton Road, Delhi, Ontario, CD N4B 1B4. Representative: Neill T. Riddell, 900 Guardian Building, Detroit, MI 48226.

*Contract carrier; irregular routes: Tobacco products* between all points in the U.S. under continuing contract(s) with Benson and Hedges Canada, Inc., Quebec, CD. Supporting shipper: Benson and Hedges Canada, Inc., 1010 LaGauchetiere, Suite 800, Montreal, Quebec, CD H3B 2P4.

MC 154631 (Sub-1-5TA), filed September 3, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02985. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier; irregular routes: (1) Plastic articles* from Clinton, MA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI, and (2) *Materials, equipment and supplies used in the manufacture, distribution and sale of plastic articles* from the above named destinations to the above named origins, under continuing contract(s) with Van Brode Milling Company of Clinton, MA. Supporting shipper: Van Brode Milling Company, 56 Sterling Street, Clinton, MA 01510.

MC 145108 (Sub-1-19TA), filed September 3, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, Bullet Express, Inc., 5600 First Avenue, Brooklyn, NY 11220. *Contract carrier; irregular routes: Paper, paper products, plastic, plastic products, and materials, equipment and supplies used in the manufacture, sale and distribution of paper and plastic products*, between points in the U.S. (except AK and HI) under continuing contract(s) with Lily Tulip, Inc., Toledo, OH. Supporting shipper: Lily Tulip, Inc., P.O. Box 1035, First National Bank Bldg., Toledo, OH 43666.

MC 1756 (Sub-1-2TA), filed September 1, 1981. Applicant: PEOPLES EXPRESS CO., 497 Raymond Blvd., Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048-0640. *Linseed oil, in bulk, in tank vehicles*, from Jersey City, NJ to points in NY, PA, DE, MD, OH, CT, RI and MA. Supporting shipper(s): Cargill, Inc., 704 U.S. Highway 202, Bridgewater, NJ 08807.

MC 147895 (Sub-1-2TA), filed September 1, 1981. Applicant: EXPRESS TRANSPORT CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (1) *General commodities (except classes A and B explosives, and articles of unusual value) in containers or in trailers, and (2) empty used containers, used trailers*

*and used trailer chassis*, between Charleston, SC and Savannah, GA, on the one hand, and, on the other, points in SC. Supporting shipper(s): The Hipage Co., Inc., P.O. Box 841, Charleston, SC 29402; Battery Brokers & Forwarders, P.O. Drawer J, Charleston, SC 29402; Pan Atlantic Shipping Ltd., 290 Nye Ave., Irvington, NJ; and Maersk Line, P.O. 9707, Savannah, GA 31412.

MC 134806 (Sub-1-17TA), filed August 28, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier; irregular routes: New furniture; household furnishings; garden furniture; mirrors; parts of the above*, from Leominster, MA to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, under continuing contract(s) with Selig Manufacturing Company, Inc., Leominster, MA. Supporting shipper: Selig Manufacturing Company, Inc., 54 Green Street, Leominster, MA 01453.

MC 155423 (Sub-1-2TA) (Republication), filed July 15, 1981. Applicant: MALAMUTE NATIONAL LINES, INC., 1 East 42nd Street, New York, NY 10017. Representative: Harold Sacks, P.C. 19 West 44th Street, New York, NY 10036. *Contract carrier; irregular routes: Passengers and their baggage* between Ocean County, NJ and the New York Port Authority Terminal, New York, NY, under continuing contract(s) with L.H.R. Association, Ortley Beach, NJ. Supporting shipper: L.H.R. Association, 441 Coolidge Avenue, Ortley Beach, NJ. Sole purpose of this is to amend NY to read NJ after Ocean County on previously decided application.

MC 142080 (Sub-1-1TA), filed September 1, 1981. Applicant: LITE TRANSPORT, INC., 480 Neponset Street, Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. *Contract carrier; irregular routes: Sporting goods* between New Bedford, MA on the one hand, and, on the other, Escondido, CA; Newark, OH; and Dallas, TX under continuing contract(s) with Acushnet Co. of New Bedford, MA. Supporting shipper: Acushnet Co., P.O. Box B965, New Bedford, MA 02741.

MC 2257 (Sub-1-1TA), filed September 3, 1981. Applicant: LAKELAND EXPRESS, INC., Route 15, Wharton, NJ 07885. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. *Glass jars and bottles* between the facilities of Owens-Illinois Company at Bridgeton, NJ, and the facilities of The Proctor & Gamble Company at Staten

Island, NY. Supporting shipper: The Proctor & Gamble Company, P.O. Box 599, Cincinnati, OH 45201.

MC 136596 (Sub-1-1TA), filed September 4, 1981. Applicant: APACHE TOURS, INC., Routes 206 and 70, Vincentown, NJ 08088. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 08094. *Passengers and their baggage, in charter and special operations*, beginning and ending at Philadelphia County, PA and extending to points in and east of MN, IA, MO, AK and LA. Supporting shipper(s): Town-Country Travel Bureau, 9153 Roosevelt Blvd., Philadelphia, PA; Tours DuJour, Ltd., 1405 Locust St., Philadelphia, PA; Travel Assoc., Ltd., Roosevelt Blvd. and Welsh Rd., Philadelphia, PA; Atlantic City Reservation Service, Bustleton & Welsh Rd., Philadelphia, PA; Center City Women's Club, 1632 67th Ave., Philadelphia, PA.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 125973 (Sub-4-4TA), filed September 8, 1981. Applicant: CROWN WAREHOUSE & TRANSPORTATION COMPANY, INC., 710 East 9th Ave., P.O. Box M799A, Gary, IN 46401. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. *Contract, Irregular General Commodities* (except Classes A and B explosives), between Cleveland, OH; Albion, MI; and Des Plaines, IL, and points within their respective commercial zones, under continuing contract(s) with Lawson Products, Inc. Supporting shipper: Lawson Products, Inc., 1666 E. Touhy Ave., Des Plaines, IL 60018.

MC 134286 (Sub-4-18TA), filed September 8, 1981. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Jack B. Wolfe, 1600 Sherman St., Suite 665, Denver, CO 80203. (A) *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and hazardous materials)* between points in the U.S. (except AK and HI) restricted to (1) transportation originating at or destined to the facilities utilized by either the Northeastern Pennsylvania Shipper's Co-op Association, Inc. or of its members; (2) to shipments moving on shipper's association bills of lading; and (B) *machinery* from the facilities of I.T.T. Marlow Pump at Midland Park, NJ to points in GA, AL, TX, CA, and VA. Supporting shippers: Northeastern

Pennsylvania Shipper's Co-op Association, Inc., 1212 O'Neill Hwy., Dunmore, PA 18512; and I.T.T. Marlow Pump, P.O. Box 200, Midland Park, NJ 07432.

MC 141889 (Sub-4-9TA), filed September 8, 1981. Applicant: RONALD DEBOER d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Malt beverages* from Memphis, TN and Longview, TX to points in IL, IA, MN and WI. Supporting shipper: Jos. Schlitz Brewing Co., 235 W Galena St., Milwaukee, WI 53212.

MC 145337 (Sub-4-3TA), filed September 8, 1981. Applicant: P.M.E., LTD., 1557 Brookside Blvd., Winnipeg, Manitoba R2R 1V6. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Carbonated beverages*, from the facilities of Pearl Brewing Co. at San Antonio, TX to the ports of entry along the International Boundary Line between the U.S. and Canada in MN, MT, ND and WA. Underlying ETA seeks 120-day authority. Supporting shipper: Mabo Sales, Ltd., 3815 16th St., S.E., Calgary, Alberta.

MC 145944 (Sub-4-8TA), filed September 3, 1981. Applicant: H & N TRANSPORT, INC., Route 1, Arena, WI 53503. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract; irregular; Chemicals and related products* between points in IL and WI on the one hand, and, on the other hand, points in IL, IA, MI, MN and WI. Restriction: restricted to transportation to be performed under a continuing contract(s) with Chemical Enterprises, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Chemical Enterprises, Inc., 8582 Katy Freeway, Houston, TX 77024.

MC 145985 (Sub-4-1), filed September 8, 1981. Applicant: GREEN COUNTY EXPRESS, INC., Box 475, Lena, IL 61048. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract, irregular, cheese and gift packs*, from Monroe, WI to Arbutus, MD, Philadelphia, Pittsburg, PA and Cincinnati, OH. Restricted to traffic moving under continuing contracts with Swiss Colony, Inc. Supporting shipper: Swiss Colony, Inc., 1112 7th Ave. Monroe, WI 57568.

MC 152082 (Sub-4-4TA), filed September 3, 1981. Applicant: R.C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 South LaSalle St., Suite 1600, Chicago, IL 60603. *Contract;*

*irregular such commodities as are dealt in or utilized by printers or distributors of printed matter*, between points in the Chicago, IL Commerical Zone, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Lehigh Cadillac Printing, Inc. Supporting shipper Lehigh Cadillac 25th St. & Lexington Ave Boardview, IL 60153.

MC 153721 (Sub-4-2TA), filed September 8, 1981. Applicant: RAF TRANSPORT, INC., R.R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market St., Indianapolis, IN 46204. *(1) Animal and Poultry Feed Supplements; and (2) Chemicals and related products*, between points in Lake County, IL, and Marion County, IN, on the one hand, and on the other, points in IL and IN. Supporting shipper: TH Agriculture & Nutrition Co, Inc., Two East Madison, Waukegon, IL.

MC 157497 (Sub-4-1), filed September 8, 1981. Applicant: IVAN HABECK, Rte. 1, Box M-8, Ipswich, SD 57451. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract irregular Metal products*, between Taylorville, IL on the one hand, and, on the other, points in TX, MN, WI, IA, ND, SD, MT, ID, KS, NE, and WA, under continuing contract(s) with National Steel Products Co, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: National Steel Products Co., Inc., Box 368, Route 48W., Taylorville, IL 62568.

MC 157526 (Sub-4-1), filed September 8, 1981. Applicant: A & B TOWING, INC., 7325 W. 59th St., Summit, IL 60501. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603. *Disabled Vehicles* between points in the U.S. Supporting Shippers: Coleman Movers Co. and D & A Cartage Co., 5101 S. Lawndale Ave., Summit, IL 60501; H & M CARTAGE, P.O. Box 427, Tinley Park, IL 60477; Pops Trucking Co., 1361 Prospect, Willow Springs, IL; and, Zalud Motor Express, 528 N. Stone Ave., La Grange Park, IL 60525. An underlying ETA was filed August 3, 1981.

MC 31533 (Sub-4-3TA), filed September 10, 1981. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 S. Olive St., P.O. Box 545, South Bend, IN 46624. Representative: Richard P. Wright (same address as applicant). Common Carrier—Regular Routes: *General Commodities*, (except classes A and B explosives), (1) Between Chicago, IL and Indianapolis, IN: From Chicago over Interstate Hwy 90 to Jct. Interstate Hwy 69, then south over Interstate Hwy 69 to Indianapolis and return over the same route. From Chicago over Interstate

Hwy 94 to Jct. Interstate Hwy 65, then south over Interstate Hwy 65 to Indianapolis and return over the same route; (2) Between Michigan City, IN and Indianapolis, IN: From Michigan City over U.S. Hwy 421 to Jct. IN Hwy 43, then south over IN Hwy 43 to Jct. U.S. Hwy 52, then southeast over U.S. Hwy 52 to Indianapolis and return over the same route; (3) Between South Bend, IN and Indianapolis, IN: From South Bend over U.S. Hwy 31 to Indianapolis and return over the same route; (4) Between Gary, IN and Fort Wayne, IN: From Gary over Interstate Hwy 65 to Jct. U.S. Hwy 30, then east over U.S. Hwy 30 to Fort Wayne and return over the same route. From Gary over U.S. Hwy 6 to Jct. Interstate Hwy 69, then south over Interstate Hwy 69 to Fort Wayne and return over the same route; (5) Between South Bend, IN and Fort Wayne, IN: From South Bend over U.S. Hwy 33 to Fort Wayne and return over the same route.

**NOTE:** Applicant intends to serve all intermediate points on routes (1) through (5) and the off route points of Knox, Peru and Wabash, IN and to serve the commercial zones of all points requested, and will tack with existing authority in Docket MC 31533 at Chicago, IL, Gary, Michigan City and South Bend, IN. Applicant also intends to interline with other carriers at Rockford and Chicago, IL, South Bend, Fort Wayne, and Indianapolis, IN. There are approximately (28) statements of support attached to the application. An underlying ETA was filed.

MC 40978 (Sub-4-16TA), filed September 9, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. *Plastic products*, from Erie, PA, to Bellwood, IL. An underlying E.T.A. seeks 120 days authority. Supporting shipper: Niagra Plastics Company, 7090 Edinboro Rd., Erie, PA.

MC 119656 (Sub-4-3TA), filed September 10, 1981. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Metal products*, between Winamac, IN on the one hand, and, on the other, New Orleans, LA, Tulsa OK, and points in TX, and from Tulsa, OK to points in TX. Supporting shipper: Plymouth Tube Company, 700 West Eleventh St., Winamac, IN.

MC 135410 (Sub-4-38TA), filed September 8, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462.

Representative: Daniel O. Hands, 205 West Touhy Ave, Suite 200-A, Park Ridge, IL 60068. *Range hoods, fans, heaters, door chimes and trash compacters*, from the facilities of Broan Manufacturing at or near Hartford, WI to Old Forge, PA and points in its commercial zone. Supporting shipper: Broan Manufacturing, 926 West State Street, Hartford, WI 53207

MC 139276 (Sub-4-7TA), filed September 9, 1981. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Ave., Bensenville, IL 60106.

Representative: Grace Kasallis (same address as applicant). *Contract* irregular; *metal products* between the facilities of Pre-Finish Metals, Inc. and Harrington & King Perforating Co. Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Harrington & King Perforating Co. Inc., 5655 W. Filmore St., Chicago IL 60644; Pre-Finish Metals, Inc., 2300 E. Pratt Blvd, Elk Grove Village, IL

MC 144323 (Sub-4-5TA), filed September 8, 1981. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Drive, Pewaukee, WI 53072.

Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract*; irregular: *food and related products* between points in the U.S., under continuing contracts with Packerland Packing Co., Inc., of Green Bay, WI. Supporting shipper: Packerland Packing Co., Inc., P.O. Box 1184, Green Bay, WI 54305.

MC 144927 (Sub-4-9TA), filed September 9, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). (1) *Malt beverages and related advertising materials* (2) *Empty used beverage containers, materials and supplies used in and dealt with by breweries*. (1) From Jefferson County, CO to AR, AZ, LA, MS, MO, TN and TX. (2) From AR, AZ, LA, MS, MO, TN and TX to Jefferson County, CO. An underlying ETA seeks 90 days authority. Supporting shipper: Adolph Coors Company, Golden, Colorado 80401.

MC 146628 (Sub-4-6TA), filed September 9, 1981. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular, *metal containers and bottle caps*, from Kankakee, IL to points in the U.S. Restricted to traffic moving under continuing contracts with Crown Cork & Seal Company, Inc. Supporting shipper:

Crown Cork & Seal Company, Inc., 9300 Ashton Rd., Philadelphia, PA 19138.

MC 148732 (Sub-4-2TA), filed September 10, 1981. Applicant: L & J TRUCKING, INC., P.O. Box 1325, Wisconsin Rapids, WI 54494. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pulp, paper or allied products*, from Winnebago County, WI to points in the U.S. Applicant seeks an underlying ETA for 120 days. Supporting shipper: Central Paper Co., an Alco Standard Corp., P.O. Box 330, Menasha, WI 54952.

MC 151899 (Sub-4-13TA), filed September 9, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 N. Main St., Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 S LaSalle St., Suite 350, Chicago, IL 60603. *Contract* irregular: *alcoholic and non-alcoholic beverages and beverage preparations* between Fond du Lac, WI, on the one hand, and, on the other, points in the U.S. under continuing contracts with Badger Liquor Co., Inc., of Fond du Lac, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Badger Liquor Co., Inc., P.O. Box 1357, Fond du Lac, WI 54935.

MC 151981 (Sub-4-1TA), filed September 10, 1981. Applicant: JERRY L. ROBINETTE, d.b.a. JERRY L. ROBINETTE & SON TRUCKING, Route 1, Box 200-A, Whiteland, IN 46184. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract*: irregular *plastic containers and materials, equipment and supplies used in the manufacture thereof*, between the plantsites of Hoover Universal, Inc., located at or near Columbus, OH and Franklin, IN, on the one hand, and, on the other, points in CT, DE, MA, NJ, NY, PA and RI, under contract(s) with Hoover Universal, Inc., of Georgetown, KY. Supporting shipper: Hoover Universal, Inc., Route #2 Tri Port Road, Georgetown, KY 40324.

MC 153883 (Sub-4-8TA), filed September 10, 1981. Applicant: HARNIC TRUCKING, INC., P.O. Box 1218, Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract* irregular: *General Commodities* (except Class A and B explosives), between points in the U.S. under continuing contract(s) with Aaron Equipment Company, Div. Areco, Incorporated. An underlying ETA seeks 120 days authority. Supporting shipper: Aaron Equipment Company, Div. Areco, Incorporated, 9301 W. Bernice St., Schiller Park, IL 60176.

MC 154206 (Sub-4-2TA), filed September 11, 1981. Applicant: DELMAR DONLEY, INC., P.O. Box 13,

Williamsville, IL 62693. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, Attorneys at Law, 907 South Fourth St., Springfield, IL 62703. *Cement* between Greencastle, IN, Clarksville, Hannibal, and St. Louis, MO, on the one hand, and Springfield, IL, on the other hand. Supporting shippers are: Anderson Concrete Pipe Inc., 2917 N. Dirksen Parkway, Springfield, IL 62702 and Atlas Concrete Products Co. 2500 Peerless Mine Road, Springfield, IL 62702.

MC 157516 (Sub-4-2TA), filed September 9, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except classes A and B explosives), between the facilities of Space Center Kansas City, Inc. located at or near North Kansas City, MO on the one hand, and, on the other, points in the United States. Supporting shipper: Space Center Kansas City, Inc., 8800 Underground Drive N.E., North Kansas City, MO 64161.

MC 157649 (Sub-4-1), filed September 9, 1981. Applicant: MID COASTAL TRUCKING SERVICE, INC., 210 W. 22nd St., Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603. *General Commodities, except Classes A and B Explosives, in intermodal containers, having a prior or subsequent movement by rail or water*; between points in IL, IN and WI on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, TN and WI. An underlying ETA seeks 120 days authority. Supporting shippers: L.A.S.T., Inc., 210 W. 22nd St., Oak Brook, IL 60521 as Agents for Evergreen Line, Polish Ocean Line and United Tank Corporation.

MC 158090 (Sub-4-1TA), filed September 9, 1981. Applicant: JIM SENSKE, d.b.a. JIM SENSKE TRUCKING, 515 Sheridan, Crookston, MN 56716. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Cement*, from Fargo, ND to Crookston, and East Grand Forks, MN. Supporting shipper: Porta Mix Concrete, Inc., P.O. Box 183, E. Grand Forks, MN 56721 and AAA Ready-Mix, P.O. Box 664, Crookston, MN 56716.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 114274 (Sub-5-17TA), filed September 9, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des

Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Games, Toys and Swimming Pools and Related Products*. From Amsterdam & Gloversville, NY to pts in the U.S. Supporting shipper: Coleco Ind., Inc., 50 Park St., Amsterdam, NY 12010.

MC 140033 (Sub-5-16TA), filed September 8, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Floor coverings and/or materials and supplies used in the installation of floor coverings* between facilities of L. D. Brinkman Company at points in the U.S. on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to facilities of L. D. Brinkman Co. Supporting shipper: L. D. Brinkman Company, 520 No. Wildwood, Irving, TX 75061.

MC 141865 (Sub-5-22TA), filed September 8, 1981. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Drive, Grand Prairie, TX 75051. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Contract; Irregular. *Such commodities as are dealt in or used by manufacturers and distributors of paint, chemicals and related articles*, between points in the U.S. Supporting shipper: The Sherwin-Williams Company, 2802 West Miller Road, Garland, TX 75040.

MC 147196 (Sub-5-25TA), filed September 8, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same as above). Contract: Irregular. *General Commodities*, between Orleans Parish, LA on the one hand, and, on the other, the 48 states under a continuing contract or contracts with Arthur J. Fritz & Company, New Orleans, Louisiana 70130.

MC 150093 (Sub-5-5TA), filed September 8, 1981. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 N.W. 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Machinery*, between Polk, Linn, Woodbury and Cerro Gordo Counties, IA, on the one hand, and, on the other, pts in the U.S. (including AK but excluding HI). Supporting shippers: (1) Mainline Equipment Co., Inc., 1621 N.E. 51st Avenue, Box 3094, Des Moines, IA 50313; and (2) Midcon Equipment Co., 4101 E. 14th, Des Moines, IA 50313.

MC 151655 (Sub-5-2TA), filed September 9, 1981. Applicant: FRANK

BROS. TRUCKING CO., 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, Doherty & Munson, P.O. Box 1945, Austin, TX 78767. (1) *Roofing and roofing materials and (2) materials, equipment, and supplies used in or incidental to the manufacture, installation, and distribution of the commodities named in (1) above* between points in Morris County, TX and Carter County, OK, on the one hand, and, on the other, points in LA, AR, OK, NM, and TX. Supporting shipper: Georgia-Pacific Corp., Rosemont, PA.

MC 153414 (Sub-5-2TA), filed September 8, 1981. Applicant: U.S. POLLUTION CONTROL, INC., 2000 Classen Center, Suite 310 South, Oklahoma City, OK 73106. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Hydrofluoric acid*, from Tulsa, OK to Golden, CO. Supporting shipper(s): Ozark Mohoning Company, 5101 West 21st Street, Tulsa, OK 74107.

MC 155090 (Sub-5-5TA), filed August 24, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Printed matter; pulp paper, or allied products* from Kansas City, KS, to points in IL, WI, IN, MN, ND, MI, IA, NE, MO, ME, OH, MD, PA, CO, FL, GA, KY, MA, NJ, NY, TX, VA, and DC. Supporting shipper: National Envelope Corporation, 11 Lincoln Street, Kansas City, MO 66103.

MC 156753 (Sub-5-2TA), filed September 8, 1981. Applicant: TURNER BROS. ENTERPRISES, INC., Tebbetts, MO 65081. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *SALT (SODIUM CHLORIDE—ALL GRADES—IN BULK)* Between the Commercial zones of Salt Lake City, UT; Ogden, UT; Hutchinson, KS and Kanopolis, KS on the one hand and pts in IL and MO on the other hand. Supporting shipper: Gunther Salt Co., 920 S. 2nd St., St. Louis, MO 63102.

MC 157931 (Sub-5-1TA), filed September 8, 1981. Applicant: MURRAY DISTRIBUTING COMPANY, 2001 E. Commercial, Springfield, MO 65803. Representative: Tom Murray (same address as applicant). Contract irregular. *General commodities (except classes A & B explosives and household goods)* between points in the U.S. under continuing contract(s) with Hutchens Industries, Incorporated of Springfield, MO. Supporting shipper: Hutchens

Industries, Incorporated, 215 N. Patterson, Springfield, MO 65805.

MC 158093 (Sub-5-1TA), filed September 8, 1981. Applicant: H & H DISTRIBUTING CO., INC., 304 S. Vine, West Union, IA 52175. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Canned goods* from Franklin County, IA, and Columbia County, WI to Jackson, Clay, Cass, and Platte Counties, MO and Wyandotte, Johnson and Leavenworth Counties, KS. Supporting shippers: (1) Lodi Canning Co., Inc., 307 Nestles Avenue, Lodi, WI 53555; (2) Ackley Food Processors, Inc., Highway 20 West, Ackley, IA 50601.

MC 109818 (Sub-5-10TA), filed September 10, 1981. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. Contract, irregular: *General commodities (except Classes A and B explosives, household goods as defined by the I.C.C., and commodities in bulk)*, between pts in the U.S., under continuing contract(s) with Aluminum Company of America, at Pittsburgh, PA. Supporting shipper: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

MC 114274 (Sub-5-16TA), filed August 28, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Pulp, Paper or Allied Products, Printed Matter, Chemicals or Allied Products, and Materials, Equipment & Supplies used in the manufacture of the above*. Between Cincinnati, OH., Des Moines, LA & Tato Cove, LA on the one hand and on the other pts in U.S. Except AK & HI. Supporting shipper: Frye Copy Systems Corp. 2515 Dean Ave., Des Moines, IA 50317.

MC 119789 (Sub-5-49TA), filed September 10, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75268. Representative: James K. Newbold, Jr. (same as applicant). *General commodities (except Class A and B explosives)* between the facilities of Norris Industries and its divisions at points in the U.S. and points in the U.S. (except AK and HI). Supporting shipper: Norris Industries, One Golden Shore, Long Beach, CA 90802.

MC 127047 (Sub-5-5TA), filed September 10, 1981. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, 67219. Representative: Lester C. Arvin, 814

Century Plaza Building, Wichita, KS 67202. *Mobile beverage dispensers*, Between Sumner County, KS on the one hand, and, on the other, pts in the U.S. Supporting shipper(s): Pro-Ten Marketing Corporation, 15 Industrial Avenue, P.O. Drawer 249, Wellington, KS 67152.

MC 128007 (Sub-5-9TA), filed September 11, 1981. Applicant: HOFER, INC., Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601. *Iron and steel pipe and sprinkler systems and accessories*, between the facilities of Mid American Pipe Fabricating & Supply Co., Inc., at or near Scammon, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Mid American Fabricating Pipe & Supply Co., Inc., Route 1, Scammon, KS 66773.

MC 143648 (Sub-5-1TA), filed September 10, 1981. Applicant: CORALVILLE TRANSPORT, INC., R. R. #1, Lamont, IA 50650. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Gasoline and fuel oil*, between Dubuque and Bettendorf, IA, on the one hand, and, on the other, pts in WI, IL, and MN. Supporting shipper: Fauser Oil Co., Inc., 111 Center Street, Elgin, IA 52141.

MC 146792 (Sub-5-2TA), filed September 11, 1981. Applicant: OASIS LINES, INC., 805 North Cage St., Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Hides*, from points in CO, IN, IA, KS, KY, MO, NE, NM, OH, OK, and WI to points in TX, restricted to traffic moving for the account of Kaufmann Trading Corporation. Supporting shipper: Kaufmann Trading Corp., New York, NY.

MC 148832 (Sub-5-6TA), filed September 10, 1981. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Boulevard, Poplar Bluff, MO. 63901. Representative: Ronald D. Dodds (same address as applicant). *Common Regular General Commodities (except classes A and B explosives and hazardous wastes)* (1) between Dexter, MO. and Cairo, IL. over MO Hwy 25 to Jct US Hwy 60, then over US Hwy 60 to Cairo (2) between Hayti, MO. and Festus, MO. over MO Hwy 84 to Jct US Hwy 61, then over US Hwy 61 to Festus (3) between Cairo, IL. and Cape Girardeau, MO. over IL Hwy 3 to Jct IL Hwy 127, then over IL Hwy 127 to Jct IL Hwy 146, then over IL Hwy 146 to Cape Girardeau, MO. Serving all intermediate points in (1), (2), and (3) and serving Mound City, Mounds, Olive Branch, Anna, Wolf Lake, and Cobden in IL., and Ste. Genevieve, Perryville,

Neely's Landing, Morley, E. Prairie, Matthews, Kewanee, Chaffee, and Oran in MO. as off route points. Applicant intends to tack this authority with its existing authority and to interline at gateway points. Supporting shippers: There are 128 supporting shippers.

MC 151400 (Sub-5-2TA), filed September 11, 1981. Applicant: MARTIN L. LEWIS, d.b.a. M. L. LEWIS DISTRIBUTING, 790 Woodland, El Paso, TX. 79922. Representative: Martin L. Lewis, 790 Woodland, El Paso, TX. 79922. *Contract; Irregular. Agricultural Products, Chemicals, Fertilizer, Building Products, Carpet, Floor Tile, Steel and Iron Articles*, between El Paso, TX. on one hand, and, on the other, points in KY., VA., TN., NC., SC., GA., LA., MS., FL., and all points West of the Mississippi River. Supporting shipper: 8.

MC 153138 (Sub-5-5TA), filed September 11, 1981. Applicant: LARRY DON EASLEY, d.b.a. EASLEY TRUCKING, Post Office Box 103, Ben Wheeler, TX 75754. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Air coolers and related accessories* from the facilities of the General Electric Company at or near Tyler, TX to points in the States of CA, AZ, OR, WA, NV, and UT. Supporting shipper: General Electric Corp., Tyler, TX.

MC 154690 (Sub-5-3TA), filed September 10, 1981. Applicant: NEAL FERTILIZER, INC., R.F.D., Dexter, IA 50070. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Dry fertilizer*, from Omaha, Falls City and Nebraska City, NE and Kansas City, Brunswick and Booneville, MO to pts in IA. Supporting shipper: DeBruce Fertilizer, Inc., P.O. Box 10670, Gladstone, MO 64118.

MC 157566 (Sub-5-2TA), filed September 10, 1981. Applicant: CHEROKEE SALES, P.O. Box 521, Muskogee, OK 74401. Representative: George Spencer, 7 North Block, #204, Fayetteville, AR 72701. *Food and Related Products*—Between the facilities of Stillwell Foods, Inc., at or near Adair, Cherokee and Muskogee Counties, OK; and, Cameron, Hildago, and Willacy Counties, TX, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, IL, IN, KY, MI, MN, MO, NC, NE, NM, OK, OH, OR, PA, SC, TN, TX, VA, WA, and WY. Supporting shipper: Stillwell Foods, Inc., Post Office Box 432, Stillwell, OK 74960.

MC 158162 (Sub-5-1TA), filed September 11, 1981. Applicant: CON PAC, INC., P.O. Box 1148, West Monroe, LA 71291. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS

39205. (1) *Malt beverages and related advertising materials*; (2) *empty used beverage containers and materials and supplies used in and dealt with by breweries*, between Jefferson County, CO and points in LA. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 153263 (Sub-6-2TA), filed September 1, 1981. Applicant: ANGELYNES, INC., P.O.B. 472, Berthoud, CO 80513. Representative: Robert D. Brown, 401 E 50th St., Loveland, CO 80537. *Contract carrier: irregular routes: Fiberglass, mineral wool, building insulation, lumber, sheetrock, and related building materials (i.e., polyethylene vapor barriers, preformed wall and ceiling grids, (steel), sheetrock, styrofoam and polyurethane sheeting, insulated roof decking and shingles, all related attaching parts and materials)*; between Pevely, MO; Kansas City, KS; McPherson, KS; Waxahachie, TX; Texarkana, TX; Texarkana, AR; Salt Lake City, UT; and construction sites and storage facilities in KS, CO, and WY under continuing contracts with Metropolitan Insulation Supply; Sutton Insulation Company, Inc.; and Ideal Insulation, Inc., for 270 days. Supporting shippers: Metropolitan Insulation Supply Co., Inc., P.O.B. 1675, Englewood, CO 80150; Ideal Insulation, Inc., 2899 So. Santa Fe Dr. Unit 3, Englewood, CO 80110; Sutton Insulation Co., Inc., 5220 W. 3rd Ave. Lakewood, CO.

MC 158067 (Sub-6-1TA), filed September 8, 1981. Applicant: BEST DELIVERY SERVICE, INC., P.O.B. 6263, San Bernardino, CA 92412-6263. Representative: Cynthia Ludvigson, P. O. Box 6425, San Bernardino, CA 92412-6425. *Contract Carrier; irregular routes: Printed greeting cards, gift wrap and such commodities as dealt in by card and gift shops*, between all points in CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hallmark Cards, Inc., 2101 North Lightburne, Liberty, MO, 64068.

MC 134387 (Sub-6-26TA), filed September 8, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Paper, paper products and equipment, materials and supplies used in the manufacture and distribution of paper and paper products*, (1) between

Potlatch Corporation facilities located in Nez Perce County, ID on the one hand and on the other, all points in WA, OR, CA, UT and AZ; and (2) from Franklin County, WA to all points in OR, CA, UT and AZ, for 270 days. Supporting shipper: Potlatch Corporation, P.O. Box 7864, San Francisco, CA 94120.

MC 158097 (Sub-6-1TA), filed September 4, 1981. Applicant: ANTHONY F. SALMERI, d.b.a. CHRISTIAN BROTHERS TRUCKING. 1128 South 9th St., Grand Junction, CO 81501. Representative: Anthony F. Salmeri (same as applicant). *Contract carrier*, irregular routes: *Lumber, Plywood, Roofing Materials*, and *Exterior Siding*; from Points in UT, ID, CA, WA, MT, OR, and WY to points in CO, for the account of Better Buy Builders for 270 days. Supporting shipper: Better Buy Builders Supply, 716 Arrowest Dr., Grand Junction, CO 81501.

MC 148472 (Sub-6-2TA), filed September 8, 1981. Applicant: CLOVER CLUB FOODS COMPANY, P.O.B. 228, Kaysville, UT 84037. Representative: Bruce W. Shand, Suite 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carrier*; irregular routes: *Plastic containers* from Nampa ID to points in UT and CO; and from Spokane WA to Nampa ID under a continuing contract(s) with Quntex Corporation of Nampa, ID for 270 days. Supporting shipper: Quntex Corporation, 205 S. 20th St., Nampa ID 83651.

MC 158074 (Sub-6-1TA), filed September 3, 1981. Applicant: DEBERNARDI BROS., INC., 514 "G" St., Rock Springs, WY, 82901. Representative: Keith P. Tyler, P.O. Box 1171, Casper, WY 82601. *Contract carrier*; irregular routes: *Fly Ash*, in tank vehicles, between Rock Springs, WY, Ogden and Salt Lake City, UT, for the account of Pozzolamc International, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pozzolamc International, 2448 75th S.E., Mercer Island, WA 98040.

MC 150756 (Sub-6-6TA), filed September 3, 1981. Applicant: GUTHMILLER TRUCKING, INC., P.O. Box 206, Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. *Paper and related products*, from Halsey, OR, to points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Can Company, Serramonte Plaza, 333 Gellert Blvd., Daly City, CA 94015.

MC 127580 (Sub-6-1TA), filed September 8, 1981. Applicant: HALE TRUCKING, INC., P.O. Box 177, Roswell, NM 88201. Representative:

Michael T. Worley, P.O. Box 177, Roswell, NM 88210. *Contract carrier*, Irregular routes: *Lumber, plywood, particleboard, wood products, building materials, roofing and related products*, from, to, or between points in TX, AZ, NM, and CO, for the account of Louisiana-Pacific Corporation, for 270 days. Supporting shipper: Louisiana-Pacific Corporation, 1300 S.W. Fifth Avenue, Portland, OR 97201.

MC 158085 (Sub-6-1TA), filed September 3, 1981. Applicant: JAN MEISELMAN, d.b.a. JAN MEISELMAN TRUCKING, 2450 Beverley Ave., Apt. #6, Santa Monica, CA 90405. Representative: Jan Meiselman (same as applicant). *Contract carrier*; irregular routes: (1) *Oil and solvents 50 Gal drums and other case goods*, from Los Angeles, CA to points in NV, for the account of Bortz Oil, for 270 days; and (2) *Plumbing supplies and plastic and steel pipe*, from Los Angeles, CA to points in NV, for the account of Familian Pipe and Supply, for 270 days; and (3) *Plumbing supplies plastic and steel pipe and misc steel*, from Los Angeles, CA to points in NV, for the account of Kelly Pipe Co., for 270 days. Supporting shipper(s): Bortz Oil Co., Inc., 1729 N. Naud St., Los Angeles, CA 90012; Familian Pipe and Supply, 4200 Spring Mtn. Rd., Las Vegas, NV 89102; Kelly Pipe Co., 11700 Bloomfield Ave., Santa Fe Springs, CA 90670.

MC 158073 (Sub-6-1TA), filed September 3, 1981. Applicant: MEMOREX DISTRIBUTION AND SERVICES CORPORATION, Central and San Tomas Expressways, Santa Clara, CA 95052. Representative: John Paul Fischer, Esq., 256 Montgomery St., 5th Floor, San Francisco, CA 94101. *Contract carrier*, irregular routes: *General commodities (except Classes A and B explosives)* between Santa Clara, CA and Summerville, SC, on the one hand, and, on the other, all points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Memorex DIC Corporation, 1040 Di Giulio Ave., Santa Clara, CA 95052.

MC 146464 (Sub-6-8TA), filed September 4, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 469 Idaho St., Elko, NV 89801. Representative: David E. Wishney, POB 837, Boise, ID 83701. *Mining equipment, materials and supplies and oil drilling mud compounds*, (1) from points in NM, OK and TX to points in WY and UT; (2) from points in AZ and CO to points in WY, and (3) from points in WY to points in CA, for 270 days. Supporting shipper: Mill-Chem, Inc., 3900 S 715 East, Salt Lake City, UT.

MC 146464 (Sub-6-9TA), filed September 4, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 11560 S State, Draper, UT 84020. Representative: Timothy R. Stivers, P.O.B. 1576, Boise ID 83701. *Cereals and bakery goods and pet foods* from the facilities of Ralston Purina Company at or near Minneapolis, MN, Battle Creek, MI, Lancaster and Sharonville, OH, Louisville, KY and Davenport, IA to Denver, CO, Salt Lake City, UT and Flagstaff, AZ and also from the facilities of Ralston Purina Company at or near Flagstaff, AZ to points in CA and from the facilities of Ralston Purina Company at Denver, CO to Salt Lake City, UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 52869 (Sub-6-1TA), filed September 1, 1981. Applicant: NORTHERN TANK LINE, P.O. Box 970, Miles City, MT 59301. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. *Refinery cracking stock* from Williston, ND to Cody, WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Husky Oil Co., 600 South Cherry Street, Denver, CO 80222.

MC 158107 (Sub-6-1TA), filed September 8, 1981. Applicant: P & H TRUCKING, LTD., 5951 Marion Dr., Denver, CO 80216. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Contract Carrier*, Irregular routes: *Meat and packinghouse commodities*, from points in CO to points in NY, NJ, MA, PA, FL and GA, for the account of Pepper Packing Co., for 270 days. Supporting shipper: Pepper Packing Co., 901 East 46th Ave., Denver, CO 80216.

MC 34227 (Sub-6-4TA), filed September 3, 1981. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, 15910 E. Colfax, Aurora, CO 80011. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202. *Contract carrier*, irregular routes: *Printed advertising materials*, from Atlanta, GA to Salt Lake City, UT and points in CA and CO under continuing contract(s) with Simon Marketing, Inc., for 270 days. Supporting shipper: Simon Marketing, Inc., 1379 Logan Circle, NW., Atlanta, GA 30318.

MC 158040 (Sub-6-1TA), filed September 1, 1981. Applicant: RON HOLLAND, d.b.a. PARKVIEW A SERVICE COMPANY, 618 East 14th St., Post Falls, ID 83854. Representative: Ron Holland (same as applicant). *Contract Carrier*, Irregular routes: *Mobile Homes, Modular Structures, Mobile Offices*,

from Post Falls, ID to points in ID, MT, WA, or OR for 270 days. Supporting shipper(s): Peter's Manufactured Homes, Inc., P.O.B. 965, Post Falls, ID; Country Boys, Inc., P.O.B. 1088, Post Falls, ID; Mico-Div., Design Space International, East 3711 Trent Ave., Spokane, WA; Mobile Corral, West 2430 Seltice, Post Falls, ID.

MC 158114 (Sub-6-1TA), filed September 8, 1981. Applicant: MERLIN SHIELDS, d.b.a. MERLIN SHIELDS TRUCKING, 8390 West Victory Road, Boise, ID 83709. Representative: Merlin Shields, 8390 West Victory Road, Boise, ID 83709. *Contract, Irregular: pressure treated timber products, pre-cut log homes and building materials* between points in the U.S. under continuing contract(s) with Pressure Treated Timber Company, Inc., for 270 days. Supporting shipper: Pressure Treated Timber Co., Inc., 3200 Gowen Rd., Boise, ID 83705.

MC 147528 (Sub-6-8TA), filed September 8, 1981. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Dr., Meridian, ID 83642. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701. *Contract Carrier, irregular routes: glass, glass products, materials and supplies used in the manufacture and distribution thereof*, between points in ID, CA, OR, WA, TX and MO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bel-Knap Industries and Inland Glass Co., a wholly owned subsidiary of Bel-Knap Industries, 3500 Commercial Court, Meridian, ID 83642.

MC 110325 (Sub-6-56TA), filed September 4, 1981. Applicant: TRANSCON LINES, P.O.B. 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. *General commodities* (except Class A and B explosives) between Bayport, Houston and Pasadena, TX, and Buffalo and Niagara Falls, NY, under a continuing contract(s) with The Goodyear Tire & Rubber Company, for 270 days. Supporting shipper: The Goodyear Tire & Rubber Company, 1144 E. Market St., Akron, OH 44316.

MC 151225 (Sub-6-8TA), filed August 25, 1981. Applicant: DON WARD, INC., 241 W. 56th Ave., Denver, CO 80216. Representative: Don Ward (same as applicant). *Iron ore* from Woody Creek, CO to Laramie, WY for 270 days. Supporting shipper: Monolith Portland Cement Co., 2480 W. 26th Ave., Suite 162B, Denver CO 80211.

MC 112989 (Sub-6-20TA), filed September 8, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405.

Representative: John T. Morgans (same as applicant). *Rubber and plastic products*, between points on the U.S.-Canadian border, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT and WA, for 270 days. Supporting shipper: Anthane, Inc., P.O.B. 7274, Boise, ID 83707.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-27370 Filed 9-18-81; 8:45 am]  
BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7328.

### Volume No. OPY-3-169

Decided: September 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1934 (Sub-45), filed September 8, 1981. Applicant: THE ARROW LINE, INC., 105 Cherry St., East Hartford, CT 06108. Representative: Helen D. Smith (same address as applicant), (203) 289-1531. *Transporting passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at Hartford, CT and Springfield, MA, and extending to Saratoga Race Track, at Saratoga Springs, NY.

MC 105375 (Sub-88), filed September 4, 1981. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Ave., Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., P.O. Box 289, Newport, MN 55055, (612) 459-3344. *Transporting general commodities* (except classes A and B explosives), between the facilities of Minnesota Mining and Manufacturing Company (3M), at points in the U.S., on the one hand, and, on the other, points in AR, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any

authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 121195 (Sub-4), filed September 8, 1981. Applicant: WARREN H. CLARK, d.b.a. COLORADO MOTOR EXPRESS, 3770 Holland St., Wheat Ridge, CO 80033. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837-1204. Transporting *general commodities* (except classes A and B explosives), between points in CO.

MC 124674 (Sub-2), filed September 2, 1981. Applicant: JOHN F. MAHR, d.b.a. MAHR BROS. TRANSPORTATION CO., P.O. Box 507, Coventry, CT 06238. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, DC 20006, (202) 331-3700. Transporting *rubber and plastic products*, between points in the U.S. under continuing contract(s) with Fome-Craft, Inc., of Portsmouth, VA.

MC 125335 (Sub-124), filed September 8, 1981. Applicant: GOODWAY TRANSPORT, INC. P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501, (402) 474-6763. Transporting *general commodities* (except classes A and B explosives), between the facilities of ITOFCA, Inc., or its members, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125535 (Sub-32), filed August 28, 1981. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569-1161. Transporting *air coolers and heating units*, between points in the U.S. under continuing contract(s) with Artherm Manufacturing Co., of St. Louis, MO.

MC 126034 (Sub-6), filed August 31, 1981. Applicant: McHUGH BROTHERS HEAVY HAULING, INC., P.O. Box 196, 152 Monroe Ave., Pennel, PA 19047. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S.

MC 136275 (Sub-32), filed September 8, 1981. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewry (same address as applicant), (915) 532-2691. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with

Southwestern Portland Cement Company of El Paso, TX.

MC 138875 (Sub-311), filed September 8, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376-5757. Transporting *metal products and prefabricated metal buildings*, between points in CO, on the one hand, and, on the other, points in ID and OR.

MC 140025 (Sub-9), filed September 4, 1981. Applicant: L & T, INC., 2650 West Beaver St., Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 388-6514. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Bill Rivers Corp., of Jacksonville, FL.

MC 140615 (Sub-67), filed July 7, 1981, previously published in the Federal Register issue of July 22, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant), (715) 421-0888. Transporting *rubber and plastic products, and metal products* between points in the U.S. \*Thus republication corrects the territorial description.

MC 141774 (Sub-37), filed September 1, 1981. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578-2836. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, SC, TN, TX, and VA.

MC 142524 (Sub-1), filed September 8, 1981. Applicant: SPICER TRUCK SERVICE, INC., 121 Caden Dr., Nashville, TN 37211. Representative: Ruth M. Spicer (same address as applicant), (615) 244-2641. Transporting (1) *wrecked, disabled, stolen, repossessed and abandoned motor vehicles*, in truckaway service, and (2) *replacement vehicles for wrecked or disabled motor vehicles*, between points in TN, on the one hand, and, on the other, points in the U.S.

MC 145765 (sub-14), filed September 3, 1981. Applicant: WIEST TRUCKLINE, INC., Route #2, Jamestown, ND 58401. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340-0808. Transporting (1) *metal products*, and (2) *building materials*, between points in Buchanan County, MO, and Doniphan County, KS, on the one hand, and, on the other, points in

ND, SD, MN, KS, NE, MT, WY, CO, TX, NM, and IL.

MC 147734 (Sub-1), filed September 3, 1981. Applicant: PIGGYBACK DRAYAGE, INC., P.O. Box 86018, 1601 Penn Ave., Pittsburgh, PA 15221. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 148334 (Sub-3), filed September 4, 1981. Applicant: BLUE MOUNTAIN TRUCKING CORPORATION, P.O. Box 86, Blue Mountain, MS 38610. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355-3543. Transporting *expanded plastic articles*, between points in Worcester County, MA, and Salt Lake County, UT, on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, KS, KY, LA, MS, MO, NC, NJ, NM, NY, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 149295 (Sub-1), filed September 4, 1981. Applicant: H&H HOT SHOT DELIVERY SERVICE, INC., 13907 Gainsville, Houston, TX 77015. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827-1407. Transporting (1) *Mercer Commodities*, and (2) *metal products*, between points in TX, on the one hand, and, on the other, points in AL, AR, MS, OK, NM, and WV.

MC 151854 (Sub-1), filed September 1, 1981. Applicant: FOXTRAN, INC., P.O. Box 29, Belle Vernon, PA 15012. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *food and related products*, between points in Allegheny, Berks, Butler, and Westmoreland Counties, PA, and Cabell County, WV, on the one hand, and, on the other, points in CT, IN, KY, MD, MA, NJ, NY, OH, PA, VA, and WV.

MC 152285 (Sub-3), filed August 31, 1981. Applicant: PACKERLAND TRANSPORT, INC., 2580 University Ave., P.O. Box 1184, Green Bay, WI 54305. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705, (608) 238-3119. Transporting *food and related products*, (a) between points in IL, IN, IA, MI, MN, OH, and WI, and (b) between points in IL, IN, IA, MI, MN, OH, and WI, on the one hand, and, on the other, points in the U.S.

MC 153644, filed August 31, 1981. Applicant: ABOUTOWN CABS LIMITED, 24 Horton St., London, Ontario, Canada N6B 3K2. Representative: Robert D. Gunderman,

Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *passengers and their baggage*, and *small packages and freight*, in the same vehicle with passengers, in round-trip charter and special operations; and in sightseeing and pleasure tours, between ports of entry on the International boundary line between the U.S. and Canada, in MI, MN, and NY, on the one hand, and, on the other, points in the U.S.

MC 156724, filed June 17, 1981, previously published in the Federal Register issue of July 7, 1981. Applicant: H. TABENKEN & CO., INC., 33 School St., Veazie, ME 04401. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036, (202) 887-5868. Transporting *alcoholic beverages*, between points in ME, DE, CT, MD, MA, NJ, NH, NY, PA, and VA.

Note.—This republication corrects the territorial description.

MC 157994, filed August 28, 1981. Applicant: FRIENDSHIP TOURS, INCORPORATED, 4812 Morrison Rd., Richmond, VA 23230. Representative: May Gentry Gallier (same address as applicant), (804) 359-5575. As a *broker*, at points in Henrico County, VA, in arranging for the transportation by motor vehicle of *passengers and their baggage*, round-trip, special and charter operations, beginning and ending at points in VA, and extending to points in the U.S.

MC 158084, filed September 4, 1981. Applicant: MAXEY TRUCKING INC., 8305 Berwyn, Houston, TX 77037. Representative: C. W. Ferebee, 14614 Falling Creek, Suite 124-P, Houston, TX 77024, (713) 537-8156. Transporting *machinery*, between points in TX, on the one hand, and, on the other, points in AR, LA, MS, and OK.

MC 158095, filed September 8, 1981. Applicant: DELBERT NOBLITT, d.b.a. DELBERT NOBLITT TRUCKING, P.O. Box 182, Vici, OK 73859. Representative: Michael H. Lennox, 531 N. Portland, Box 75613, Oklahoma City, OK 73147, (405) 943-2722. Transporting *Mercer commodities*, between points in KS, OK, LA, NM, and TX.

#### Volume No. OPY-4-370

Decided: September 15, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 155486, filed September 8, 1981. Applicant: A.T.C., INC., Rt. #3, Box 31-A, Lake Zurich, IL 60047. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525-1240. Transporting *rubber and plastic*

*products*, between points in Lake County, IL, on the one hand, and, on the other, points in the U.S.

MC 147898 (Sub-9), filed September 8, 1981. Applicant: WESTERN SONTX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: David B. Rosenman, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277-2323. Transporting *transportation equipment*, between points in CA, on the one hand, and, on the other, points in GA, IL, IA, OH, and OR.

MC 156086, filed September 4, 1981. Applicant: MARGARET RAGONESE, d.b.a. JOHNNY "R", 624 So. 29th St., Milwaukee, WI 53215. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53215, (414) 273-7410. Transporting *such commodities* as are dealt in by a manufacturer of printed matter, between points in the U.S., under continuing contract(s) with Columbian Art Works, Inc., of Milwaukee, WI.

MC 156356 (Sub-1), filed September 8, 1981. Applicant: MAGNUM MOTOR EXPRESS, INC., 1134 So. 84th Ave., Palos Hills, IL 60463. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60603, (312) 263-2397. Transporting *general commodities* (except classes A and B explosives), between the facilities of Continental Group, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 157926 (Sub-1), filed September 8, 1981. Applicant: SPARHAWK TRUCKING, INC., 130 25th Ave., So., Wisconsin Rapids, WI 54494. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *food and related products*, between points in Green Lake and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 158006, filed August 31, 1981. Applicant: LE GRAND VEHICULE enr., 15 Daniel Johnson, Laval, Quebec, Canada HYV 2C1. Representative: JoAnne Aubin, 4237 Delanaudiere, Montreal, Quebec, Canada H2J 3N8, (514) 525-5840. In foreign commerce only, transporting *such commodities* as are used by entertaining groups between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S.

MC 158096, filed September 8, 1981. Applicant: BEST WAYS EXPRESS, INC., 129 176th St., S., Suite 6, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421, (206) 922-

5822. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in AR, CA, CO, ID, IL, IA, KS, MI, MO, MT, NE, NM, OK, OR, TX, UT, WA, WI, WY, on the one hand, and, on the other, points in the U.S.

MC 158106, filed September 4, 1981. Applicant: RED CARPET CHARTER SERVICE, INC., 9 Pleasant Ave., Pensacola, FL 32505. Representative: Ralph B. Matthews, 235 Peachtree St., N.E., Suite 1200, Atlanta, GA 30303, (404) 522-2322. Transporting *passengers and their baggage* in charter operations, beginning and ending in FL and extending to points in AL, GA, KY, LA, MS, NC, SC, TN, TX, VA, and DC.

MC 158126, filed September 9, 1981. Applicant: R FREIGHT CARRIERS, INC., P.O. Box 2342, 738 Wealthy St., Grand Rapids, MI 49503. Representative: Baylee Reid, 18968 Grand River Ave., Detroit, MI 48223, (313) 272-3360. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

#### Vol. No. OPY-5-149

Decided: September 14, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 142359 (Sub-12), filed August 24, 1981. Applicant: PORT EAST TRANSFER, INC., Pulaski Hwy & 68th St., Baltimore, MD 21237. Representative: Mel P. Booker, Jr., 110 S. Columbus St., Alexandria, VA 22313, (703) 836-6115. Transporting *general commodities* (except classes A and B explosives), between port cities in MA, CT, RI, NY, NJ, NH, ME, DE, MD, PA, VA, NC, SC, GA, FL, AL, LA, MS, and TX, on the one hand, and, on the other, points in and east of IA, MN, MO, OK, and TX.

MC 143059 (Sub-185), filed August 24, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant), (502) 584-2301. Transporting *general commodities* (except classes A and B explosives), between port cities in ME, MA, CT, NY, NJ, PA, MD, DE, VA, NC, SC, GA, FL, AL, MS, LA, TX, NM, AZ, CA, OR, WA, MT, ND, MN, WI, MI, OH, AR, OK, TN, KY, IN, IL, and MO, on the one hand, and, on the other, points in the U.S.

MC 144929 (sub-8), filed August 28, 1981. Applicant: B & J TRUCKING, INC., Frontage Road, Rt. 3, Piedmont, SC 29673. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting *such*

*commodities* as are dealt in or used by manufacturers or distributors of fiber glass, between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 148738 (Sub-3), filed September 2, 1981. Applicant: JOE MORRIS TRUCKING, INC., River Drive and Petersburg Road, P.O. Box 341, Jackson, MN 56143. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927-8855. Transporting (1) *lumber and lumber products*, under continuing contract(s) with Schaberg Lumber Co., and (2) *general commodities* (except classes A and B explosives), under continuing contract(s) with Carl Weissman & Sons, Inc., of Great Falls, MT, between points in the U.S.

MC 149308 (Sub-16), filed August 28, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paint, between points in the U.S., under continuing contract(s) with Olympic Stains, a Division of Comerico, of Bellevue, WA.

MC 156049, filed August 28, 1981. Applicant: CASPER CARTAGE, INC., 6265 Fairwood, Dearborn Heights, MI 48127. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332-5106. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of beverages, under continuing contract(s) with Mavis Beverage Corporation, and Vernors, Inc., both of Detroit, MI, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, under continuing contract(s) with National Can Corporation, of Chicago, IL, between points in the U.S.

MC 157129, filed July 1, 1981. Applicant: PERKIOMEN TOURS & TRAVEL, INC., 875 Main St., Pennsburg, PA 18073. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, D.C. 20005, (202) 783-3525. To operate as a *broker*, at Pennsburg, PA, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 157288, filed August 25, 1981. Applicant: HAGGARD TRUCK LINE, INC., P.O. Box 1736, Gonzales, LA 70737. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Baton Rouge, LA 70806, (504) 644-2833. Transporting *Mercer commodities*, between points in LA, TX, OK, MS, GA, AL, FL, and AR.

MC 157908, filed August 24, 1981. Applicant: SHERMAN LIMOUSINE SERVICE, INC., 3129 NW 65th Dr., Ft. Lauderdale, FL 33309. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592-0036. Transporting *passengers and their baggage*, limited to the transportation of not more than 15 passengers (excluding the driver) in one vehicle, at one time, in special and charter operations, between points in FL, on the one hand, and, on the other, Atlanta, GA, New Orleans, LA, Birmingham, AL, Dallas, TX, and points in FL.

MC 157988, filed August 31, 1981. Applicant: LIDO LIMOUSINE SERVICE, INC., 11524 La Maida St., North Hollywood, CA 91601. Representative: Ronald M. Hirano, 777 North Broadway, Suite 310, Los Angeles, CA 90012, (213) 680-1821. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, (a) between Los Angeles, CA and Las Vegas, NV, and (b) between San Francisco, CA and Lake Tahoe, NV  
Agatha L. Mergenovich,  
*Secretary*.

[FR Doc. 81-27368 Filed 9-18-81; 8:45 am]  
BILLING CODE 7035-01-M

#### [Volume No. OP5-98]

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided; September 11, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing document will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3,  
Members Krock, Joyce, and Dowell.  
Agatha L. Mergenovich,  
*Secretary*.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 117519 (Sub-8F), filed October 23, 1980. Initially published in the FR on November 17, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *coal*, between points in the U.S., under continuing contract(s) with Clemans Coal Co., of Pittsburg, KS. CONDITION: Any permit issued in this proceeding is subject to the prior or coincidental cancellation, at

applicant's written request, of its certificate in MC-117519 Sub 4.

Note.—This application is republished to show that it is contract-carrier authority rather than common-carrier authority.

[FR Doc. 81-27365 Filed 9-18-81; 8:45 am]  
BILLING CODE 7035-01-M

## Motor Carriers; Permanent Authority Decisions; Decision-Notice

[Volume No. OPY-5-151]

Decided: September 14, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the

application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3,  
Members Krock, Joyce, and Dowell.  
Agatha L. Mergenovich,  
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 156298, filed June 1, 1981.  
Applicant: FREIGHT DISTRIBUTION SERVICES, INC., 1925 E. Vernon Ave., Los Angeles, CA 90058. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067 (213) 879-5955. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 157959, filed August 28, 1981.  
Applicant: JAMES MICHAEL LASTINE, 815 Jackson Street North, St. James, MN 56081. Representative: James Michael Lastine (same address as applicant) (507) 375-4680. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157968, filed August 27, 1981.  
Applicant: TED L. RAUSCH CO. of OREGON, 1628 N. W. Everett St., Portland, OR 97209. Representative: David C. Buffam (same address as applicant) (503) 248-1022. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157989, filed August 31, 1981.  
Applicant: RENATE KAY GROSS, d.b.a. ARKAY FREIGHT AGENCY, 202 N. 161

E. Ave., East Union 76, Tulsa, OK 74116. Representative: Diana Gross (same address as applicant) (918) 234-7211. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158019, filed September 1, 1981.  
Applicant: GARY L. LIVINGSTON d.b.a. LIVINGSTON LINES, P.O. Box 490, Panorama, IA 50216. Representative: Gary L. Livingston (same address as applicant) (515) 755-2971. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S., and (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81-27362 Filed 9-18-81; 8:45 am]  
BILLING CODE 7035-01-M

[Decision Volume No. OPY-4-VOL-435]

## Motor Carriers; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 114177 (Sub-4) (Republication), filed May 14, 1981; published in the FR issue of May 29, 1981; and republished this issue. Applicant: CONSOLIDATED DUMP TRANSPORTATION CO., INC., 3220 East 95th Street, Chicago, IL 60476. Representative: Joseph P. Murdock, P.O. Box 40248, Indianapolis, IN 46240. A Decision of the Commission, Review

Board 2, decided August 14, 1981, and finds that performance by the applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *ores and minerals*; (2) *metal products*; (3) *petroleum or coal products*; (4) *chemicals and related products*; and (5) *waste or scrap materials*, between points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin, will serve a useful public purpose, responsive to a public demand or need, that the applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to give proper notice of the authority granted.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-27363 Filed 9-18-81; 8:45 am]  
BILLING CODE 7035-01-M

#### [Permanent Authority Volume No. OPY5-150]

#### Motor Carriers; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

By the Commission.  
Agatha L. Mergenovich,  
Secretary.

MC 150578 (Sub-17) (republication), filed April 20, 1981, published in the Federal Register issue of May 13, 1981, and republished this issue. Applicant: STEVENS TRANSPORT, a Division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same address as applicant). An Order of the Commission, Review Board 3, decided August 5, 1981, and served August 21, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of

*frozen foods*, between Philadelphia and points in Montgomery, Lehigh, and Wyoming Counties, PA, Portland and points in Yamhill County, OR, San Jose, San Francisco, and Los Angeles, CA, points in Shelby County, TN, Atlanta, GA, points in Camden and Hudson Counties, NJ, points in Ottawa County, MI, points in Onondaga County, NY, Tampa, FL, Dallas, TX, points in Cook County, IL, and Denver, CO, on the one hand, and, on the other, points in the United States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81-27364 Filed 9-18-81; 8:45 am]  
BILLING CODE 7035-01-M

#### [Volume No. 165]

#### Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 15, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137 Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applicants may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.  
Agatha L. Mergenovich,  
Secretary.

FF-450 (Sub-1)X, filed September 8, 1981. Applicant: AMERICAN WORLD FORWARDERS, INC., 4411 East 119th Street, Grandview, MO 64030. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead permit to remove the exception of AK permits nationwide authority to transport used household goods, unaccompanied baggage and used automobiles.

MC 31879 (Sub-46)X, filed September 4, 1981. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Avenue, North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove a restriction from its Sub-No. 41F certificate by eliminating the restriction against the transportation of parcels, packages, or articles weighing in the aggregate more than 200 pounds from any one consignor, at any one location, to any one consignee, at any one location on any one day.

MC-39443 (Sub-No. 26)X, filed September 4, 1981. Applicant: THOMPSON, INC., Quincy, IL 62301. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions from its lead and Sub-Nos. 8, 9, 10, 11, 14, 15, 17, 18, 19, 21, and 24 certificates to: (1) broaden the commodity description from farm machinery, set up, and parts, farm machinery, and farm implements, and feeders, and animal and poultry treating equipment in the lead and Sub-No. 24 to "machinery" and from insecticides, dry earth paint, fertilizer, dry fertilizer, pesticides, and medicines in the lead and Sub-Nos. 8, 9, 10, 11, 14, 15, 17, 18, and 24 to "chemicals and related products"; (2) replace authority to serve named points with county-wide authority: Racine County, WI for Burlington, WI in the lead; Saint Clair County, IL for East St. Louis, IL in the lead and Sub-Nos. 9, 10, and 18; Hancock County, IL for Elvaston, IL in the lead; Floyd County, IA, St. Joseph County, IN, and Winnebago County, IL for Charles City, IA, South Bend, IN, and Rockford, IL in the lead; Adams County, IL for Quincy, IL in the lead and Sub-Nos. 8, 9, 17, 19, and 21; Whiteside County, IL for Fulton, IL in Sub-No. 9; Shelby County, MO for Hunnewell, MO, in Sub-No. 10; Henry County, IL for Alpha, IL in Sub-No. 11; Johnson County,

KS for Olathe, KS in Sub-Nos. 14 and 18; and Vermilion County, IL for Danville, IL in Sub-Nos. 15 and 18; (3) replace existing one-way authority with radial authority in each of the above numbered certificates; (4) remove restrictions against the transportation of commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading and those of unusual value, and household goods in the lead; (5) eliminate the restriction against the transportation of insecticides (other than agricultural) in Sub-No. 8; eliminate restrictions in bulk and against the transportation of liquid fertilizer in Sub-Nos. 9, 10, and 19; and eliminate the restriction against the transportation of liquid feeds in Sub-Nos. 19, 21, and 24.

MC-41432 (Sub-175)X, filed August 10, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., Suite 708, 2355 Sterrmans Freeway, Dallas, TX 75207 Representative: Edwin M. Snyder, Wayland Little, P.O. Box 45538, Dallas TX 75245. Applicant seeks to remove restrictions in its lead and Sub-Nos. 91, 95, 96, 97, 98, 99, 100, 101, 102, 105, 107, 108, 109, 110, 111, 112, 113, 114, 117, 118, 120, 121, 123, 124, 125, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 141, 142, 143, 144, 145, 147, 153, 154, 163F, 155F, 166F, 167F, 171, 172, 160F, 168F, and 150, and Nos. MC-F13171, MC-F14065, MC-F13409 and MC-F12872 to (A) remove all exceptions, except classes A and B explosives, the general commodity authority in its lead and Sub-Nos. 95, 97, 99, 102, 107, 109, 113, 117, 121, 123, 124, 125, 129, 130, 131, 132, 133, 135, 136, 137, 141, 142, 143, 144, 145, 147, 153, 154, 155, 160, 163, 166, 167, 168, 171, 172, MC-F14065, MC-F13409, MC-F12872; and remove all exceptions to the general commodity authority in its lead and Sub-Nos. 91, 95, 96, 98, 99, 100, 101, 105, 107, 108, 109, 110, 111, 113, 114, 134, 150, 166, and Nos. MC-F13171, and MC-F12872; [this is consistent with applicant's other authorities which authorize transportation of explosives and ammunition]; (B) broaden the commodity descriptions from (1) putty and insecticide in containers to "chemicals and related products" vinegar, in containers, and canned goods to "food and related products", castings and iron and steel articles to "metal products," livestock to "farm products," food, grain, grain products, agricultural machinery, and implements and petroleum products, in containers to "food and related products, machinery, and petroleum, natural gas, and their products," in Sub-No. 107; (2) milk and milk products to "food and related products," in Sub-No. 109; (3) wooden

handles to "lumber and wood products," in Sub-No. 120; (4) groceries, and petroleum products, except petroleum products in bulk, in tank vehicles to "food and related products and petroleum, natural gas and their products", alcoholic liquors to "food and related products," and paper to "pulp, paper and related products," in No. MC-F-12872; and (5) empty motor vehicles, in backhaul operations to "transportation equipment", in the lead (C) remove the "commodities in bulk" and "size and weight" restriction, Sub-No. 107 (sheet No. 15); (D) remove the restriction prohibiting or limiting service to the transportation of traffic (a) moving to, from, through, between and/or interchanged at named points in the lead (sheet No. 7), and Sub-Nos. 95, 100, 109 (sheet Nos. 2, 16 and 20), 113 (sheet No. 5), 125, 133, 154 (sheet No. 10), 160F (sheet No. 11), and Nos. MC-F-13409 (appendix-Pages 2, 4 and 5) and MC-F-12872 (appendix-Pages 2, 3, 4, 9 and 10), and (b) originating at, interchanged at or destined to named points, in Sub-Nos. 96, 97, 107 (sheet Nos. 2, 9, 13 and 15), 127, 160F (sheet No. 11), and No. MC-F-12872 (sheet No. 10); (E) authorize intermediate point service along its described regular routes, which transverse the states of AL, AR, AZ, CA, CO, CT, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MD, MI, MS, MO, NE, NM, NV, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WI, WV, WY, and DC in the lead and Sub-Nos. 91, 95, 107, 109, 110, 111, 112, 113, 123, 133, 134, 143, 145, 150, 154, 155, 160, 171, 172 and Nos. MC-F-13171 and MC-F-14065 (E) broaden off-route point, facility, or city-wide authority to county-wide authority: (1) facility at Bynum, AL, to Calhoun County, AL, in Sub-No. 95; (2) facility in DuPage County, IL, to DuPage County, IL, in Sub-No. 96; (3) Stone Mountain, Tucker and Tucker-Stone Mountain Industrial District, GA, to DeKalb County, GA, in Sub-No. 97; (4) plant site at Bridgeton, MO to St. Louis County, MO, in Sub-No. 98; (5) plant site at DuPage Township, IL, to Will County, IL, in Sub-No. 100; (6) plant site at Little River County, AR, to Little River County, AR, in Sub-No. 101; (7) plant site at Lonoke, AR, to Lonoke County, AR, in Sub-No. 105; (8) plant site in Burns Harbor, IN to Porter County, IN, the site at Mossville, IL, to Peoria County, IL, Springfield, IL in Sangamon County, IL, Galesburg, IL, to Knox County, IL, Robertson, MO, to St. Louis County, MO, Alton, IL to Madison County, IL, East St. Louis, IL to St. Clair County, IL, Waukegan, IL to Lake County, IL, and the plant site at Robertson, MO to St. Louis County, MO, in Sub-No. 107; (9)

plant site at Texarkana, TX to Bowie County, TX in Sub-No. 108; (10) Stege, CA to Contra Costa County, CA, Piedmont, CA to Alameda County, CA, Banta, CA to San Joaquin County, CA to Tulare County, CA, Lemoore Air Field to Kings County, CA, Bowles, CA to Fresno County, CA, Sunrise City, CA to Los Angeles County, CA, Pincrest, CA to Tuolumne County, CA, Knights Ferry, CA to Stanislaus County, CA, Oil City, CA to Kern County, CA, Sanger, CA to Fresno County, CA, Longview, WA to Cowlitz County, WA, Ridgefield, WA, to Clarke County, WA, Berkeley, CA to Alameda County, CA, Florin, CA to Sacramento County, CA, Orange Cove, CA to Fresno County, CA, Roseville, CA, to Placer County, CA, Army Cantonment, CA, to Butte County, CA, U.S. Chico, CA, to Tehama County, CA to Tehama County, CA, Red Bluff, CA to Tehama County, CA, San Francisco County, CA to San Francisco County, CA, Sacramento, CA to Sacramento County, CA, Stockton, CA to San Joaquin County, CA, Oakland, CA to Alameda County, CA, Emeryville, CA to Alameda County, CA, Modesto, CA, to Stanislaus County, CA, Merced, CA to Fresno, CA to Fresno County, CA, off-route points within the 25 mile radius of Interstate Highway 10 between Los Angeles Harbor, CA and Globe, AZ, to Gila County, AZ, Pinal County, AZ, Maricopa County, AZ, Yuma County, AZ, Riverside County, CA, San Bernardino, CA, and Los Angeles County, CA, Curtiss, AZ, to Cochise County, AZ, off-route points within 25 miles of Los Angeles, CA to Los Angeles County, CA, Orange County, CA, and Ventura County, CA, Davis-Monthan Field, AZ to Pima County, AZ, Dallas, TX to Dallas County, TX, San Antonio, TX to Bexar County, TX, Fort Worth, TX to Tarrant County, TX, El Paso, TX to El Paso County, TX, Houston, TX to Harris County, TX, Iraan, TX to Pecos County, TX, Wink, TX to Winkler County, TX, Bellemont, AZ to Coconino County, AZ, Queen Creek, AZ to Maricopa County, AZ, Magma, AZ to Pinal County, AZ, Cleator, AZ to Yavapai County, AZ, Gilbert, AZ to Maricopa County, AZ, Gunsight, AZ to Pima County, AZ, Pantex Ordnance Plant and Amarillo Army Air Field, TX to Carson County, TX, Sundown, TX to Hockley County, TX, Levelland, TX to Hockley County, TX, Buena Vista, TX to Pecos County, TX, Abell City, TX to Carson County, TX, plant site near Rankin, TX to Upton County, TX, and plant sites near Texon, TX to Reagan County, TX, in Sub-No. 109; (11) Fort Huachuca, AZ to Cochise County, AZ, off-route points located

within 25 miles of certain Arizona highways to Cochise County, AZ, Santa Cruz County, AZ, Pima County, AZ, and Pinal County, AZ, in Sub-No. 110; (12) Glendale, OR to Douglas County, OR, and facility at or near Eagle Point, OR to Jackson County, OR, in Sub-No. 113; (13) facilities at Baytown, TX to Harris County, TX, in Sub-No. 114; (14) Norcross, GA to Gwinnett County, GA, in Sub-No. 117; (15) Bossier City, LA to Bossier County, LA, in Sub-No. 118; (16) Diboll, TX to Angelina County, TX, in Sub-No. 120; (17) plant site near Millington, TX to Shelby County, TN, in Sub-No. 121; (18) facilities near Mt. Vernon, IL to Jefferson County, IL, in Sub-No. 124; (19) Lone Star, TX to Morris County, TX, in Sub-No. 127; (20) plant site and warehouse facilities at or near Orting, WA to Pierce County, OR, in Sub-No. 129; (21) facilities at Romeo, MI to Macomb County, MI, in Sub-No. 130; (22) plant site and warehouse facilities at or near Salinas, CA, to Monterey County, CA, in Sub-No. 131; (23) plant site at Walcott, IA to Scott County, IA, in Sub-No. 135; (24) plant site at Malvern, AR to Hot Spring County, AR, in Sub-No. 136; (25) Holiday Industrial Park in DeSoto County, MS to DeSoto County, MS, in Sub-No. 137; (26) facilities at Wichita Falls, TX to Wichita County, TX, in Sub-No. 141; (27) facilities at Beasley, TX to Fort Bend County, TX, in Sub-No. 142; (28) facilities at Jacksonville, AL, to Calhoun County, AL, in Sub-No. 144; (29) facilities at Chocolate Bayou, TX to Brazoria County, TX, in Sub-No. 147; (30) off-route points within 5 miles of U.S. Hwys No. 101 and 101 Alternate between Los Angeles, CA and Santa Barbara, CA, to Santa Barbara County, CA, Ventura County, CA, and Los Angeles County, CA, in Sub-No. 150; (31) facilities in Burke County, GA to Burke County, GA, in Sub-No. 153F; (32) Augusta, GA to Richmond County, GA, Savannah, GA to Chatham County, GA and Newnan, GA, to Coweta County, GA, in Sub-No. 154; (33) Sweeny, TX to Brazoria County, TX, Seadrift, TX, to Calhoun County, TX and Ingleside, TX to San Patricio County, TX, in Sub-No. 155; (34) Lawton, OK to Comanche County, OK, Chickasha, OK, to Grady County, OK, Anadarko, OK, to Caddo County, OK, Ponca City, OK to Kay County, OK, Bartlesville, OK to Washington County, OK, Shawnee, OK to Pottawatomie County, OK, Seminole, OK to Seminole County, OK, Conway, AR to Faulkner County, AR, Morrilton, AR to Conway County, AR, Fayetteville, AR to Washington County, AR, Neosho, MO to Newton County, MO, Pittsburg, KS to Crawford County, KS, Sedalia,

MO to Pettis County, MO, Boonville, MO to Cooper County, MO, Jefferson City, MO to Cole County, MO, Columbia, MO to Boone County, MO, Mexico, MO to Audrain County, MO, Enid, OK to Garfield County, OK, Wichita, KS to Sedgwick County, KS, Newton, KS to Harvey County, KS, McPherson, KS to McPherson County, KS, Arkansas City, KS to Cowley County, KS, El Dorado, KS to Butler County, KS; Ames, IA to Story County, IA, Marshalltown, IA to Marshall County, IA, Des Moines, IA to Polk County, IA, Tama, IA to Tama County, IA, Council Bluffs, IA to Pottawattamie County, IA, Amara, IA to Iowa County, IA, Cedar Rapids, IA to Linn County, IA, Iowa City, IA to Johnson County, IA, Waterloo, IA to Black Hawk County, IA, Independence, IA to Buchanan County, IA, Oelwein, IA to Fayette County, IA, Dyersville, IA to Dubuque County, IA, Cordova, IL to Rock Island County, IL, Sterling, IL to Whiteside County, IL, Dixon, IL to Lee County, IL, Albert Lea, MN to Freeborn, MN, Owatonna, MN to Steele County, MN, Faribault, MN to Rice County, MN, Antigo, WI to Langlade County, WI, Merrill, WI to Lincoln County, WI, Rhinelander, WI to Oneida County, WI, Mt. Pleasant, IA to Henry County, IA, Iowa City, IA to Johnson County, IA, Cedar Rapids, IA to Linn County, IA, Cedar Falls, IA to Black Hawk County, IA and Austin, MN to Mower County, MN, in Sub-No. 160; (35) facilities at Cairo, IL to Alexander County, IL, in Sub-No. 163F; (36) facilities at Payson, UT to Utah County, UT, in Sub-No. 166F; (37) facilities at Cameron, TX to Milam County, TX in Sub-No. 167F; (38) Bridgeport, CT to Fairfield County, CT, Greenwich, CT to Fairfield County, CT, Middletown, CT to Middlesex County, CT, Yonkers, NY to Westchester County, NY, Hoboken, NJ to Hudson County, NJ, Canton, CT to Hartford County, CT, Montville, CT to New London County, CT, Rockville, CT to Tolland County, CT, Thompson, CT to Windham County, CT, Torrington, CT to Litchfield County, CT, New Milford, CT to Litchfield County, CT and Baltic, CT to London County, CT, in Sub-No. 172; (39) Feeding Hills, MA to Hamden County, MA in MC-F-14065; (40) Columbia, SC to Richland County, SC, Charlotte, NC to Mecklenburg County, NC, Allwood, NJ to Passaic County, NJ, Bayonne, NJ to Hudson County, NJ, Bergen, NJ to Hudson County, NJ, Essex, NJ to Essex County, NJ, Granton, NJ to Hudson County, NJ, Hillside, NJ to Union County, NJ, Cockeysville, MD to Baltimore County, MD and Savannah, GA, to Chatham County, GA, in MC-F-

13409; (41) Jeanette, PA to Westmoreland County, PA, Mount Savage, MD to Allegany County, MD, those points in MD within 8 miles of Baltimore to Baltimore County, MD, Howard County, MD, and Anne Arundel County, MD, those points in PA within 20 miles of Pittsburgh to Allegheny County, PA, Westmoreland County, PA, and Washington County, PA, points in MD within 5 miles of Washington to Prince George County and Montgomery County, MD, points in VA within 10 miles of Washington to Fairfax County, VA, points within 10 miles of Hwy 30 between Frostburg, MD, and Luke, MD to Allegany and Garrett Counties, MD, and Mineral County, WV, points within 10 miles of U.S. Hwy 219 between Keyzers Ridge, MD and Parson, WV, to Garrett County, MD and Preston and Tucker Counties, WV, Belmont, OH to Belmont County, OH, Edgewood, IN to Madison County, IN, Broad Ford, PA to Fayette County, PA, Noblesville, IN to Hamilton County, IN, Steubenville, OH to Jefferson County, OH, Zanesville, OH, to Muskingum County, OH, Woodbury, NJ to Gloucester County, NJ, Waukesha, WI to Waukesha County, WI, Washingtonville, OH to Columbiana County, OH, Princeville, IL to Peoria County, IL, plant site at Luckey, OH, to Wood County, OH, and plant site at Dwight, IL, to Livingston County, IL, in MC-F-12872; (42) site of Ferrells Bridge Reservoir to Marion County, TX, plant site near Evadale, TX to Jasper County, TX, plant sites near Texarkana, TX to Bowie County, TX, plant site near Mapleton, IL to Peoria County, IL, plant site near Bryan's Mill, TX to Cass County, TX, plant site near Swan, TX to Smith County, TX, Nederland, TX to Jefferson County, TX, Mesquite, TX to Dallas County, TX, Longbranch, TX, to Panola County, TX, Dodson, TX to Collingsworth County, TX, plant site near Danglerfield, TX to Morris County, TX, Hot Springs, AR to Garland County, AR, McFadden, AR to Jackson County, AR, plant site near Hope, AR to Hempstead County, AR, Flat River, AR to St. Francois County, AR, Crystal City, AR to Jefferson County, AR, Easton, TX to Gregg County, TX, site of Lake Cherokee Dam to Rusk County, TX, and plant site near Ft. Worth, TX to Tarrant County, TX, in the lead; (G) change one-way authority to two-way authority on its described regular routes between (1) Houston and Fort Worth; Houston and Dallas; Houston and San Antonio; and San Antonio and Waco, TX, in the lead; (2) St. Louis, MO and Dubuque, IA and Alton, IL and Charles City, IA; Marshalltown and Vinton, IA and St. Louis, MO; Mount Pleasant and

Wapello, IA and St. Louis, MO; Waukegan, IL and Detroit, MI; Woodstock, IL and Detroit, MI; Putnam County, IL and AR, MO, MI and TN; McDonough County, IL, and East St. Louis, IL, and points in the St. Louis, MO-East St. Louis, IL Commercial Zone, and points in McDonough County, IL, in Sub-No. 107; and (H) change one-way authority to radial authority between points in various combinations of States throughout the US, in Sub-Nos. 118, 120 and 127

MC 73533 (Sub-21)X, filed July 29, 1981, and previously noticed in Federal Register August 24, 1981, republished as corrected this issue. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8F, 9F, 10F, 11, 12F and 13 certificates and MC-146656 Sub-Nos. 5F, 6F, 9F, 59F, 60F, and 61F permits as previously noticed and, in addition, to replace city-wide with county-wide authority, Albany, NY with Albany, Schenectady, and Rensselaer Counties, NY, and Somerset, NJ with Somerset and Middlesex Counties, NJ, in Sub-No. 13F. The purpose of this republication is to correct the inadvertent omission of Schenectady, Rensselaer, and Middlesex Counties.

MC 111231 (Sub-368)X, filed September 8, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 253F, 277F, 292F, 315F, 320F 325F certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; in all certificates (2) delete joinder only restrictions in Sub-Nos. 253, and 277; (3) authorize service to all intermediate points along described regular routes in Sub-Nos. 253, 277, 292, and (4) remove the restriction against the transportation of traffic beginning and ending in TX in Sub-No. 277

MC 119934 (Sub-239)X, filed August 3, 1981. Applicant: ECOFF TRUCKING, INC., R.R. 10, Box 100A, Greenfield, IN 46140. Representative: ROBERT W. LOSER II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-Nos. 15, 16, 19, 20, 21, 26, 28, 31, 38, 39, 40, 41, 42, 46, 47, 49, 52, 55, 56, 59, 60, 61, 63, 64, 67, 68, 70, 71, 72, 80, 81, 83, 89, 90, 91, 92, 95, 96, 99, 104, 105, 107, 108, 109, 110,

111, 116, 123, 124, 125, 126, 127, 129, 130, 131, 132, 134, 136, 137, 138, 139, 140, 142, 143, 145, 146, 152, 157, 158, 159, 160, 161, 162, 164, 167, 169, 170, 171, 182, 191, 196G, 207, 208, 213, 218, 222, 224F, 226F, 228F, 229F, 234, E1, E2, E3, E4, E5, E6, E7, E8, and E9 Certificates to (1) broaden its commodity descriptions: in the lead to "chemicals and related products, clay, concrete, glass or stone products, and, food and related products" from silicate of soda, acids, chemicals, nitrogen fertilizer solution, sodium phosphate, anhydrous ammonia, glycerine, alcohol, ethyl ether, lime and limestone, liquid animal feed supplement, methylol urea, and soda ash; in Sub-Nos. 15 and 16 to "food and related products" from flour; in the following, to "chemicals and related products": in Sub-No. 19, from liquid alum; in Sub-No. 20 from phosphoric acid and hydrofluosilic acid; in Sub-No. 21 from dry polyethylene resins; in Sub-No. 26 from phosphoric acid and phosphatic fertilizer; in Sub-No. 28 from chemicals; in Sub-No. 31 from chemicals and cleaning compounds; in Sub-No. 38 from fertilizer compounds; in Sub-No. 39 from sodium bicarbonate; in Sub-No. 40 molten sulfur; in Sub-No. 41 from liquid paint and paint materials; in Sub-No. 42 from phenol; in Sub-No. 46 from fertilizer and fertilizer ingredients; in Sub-No. 47 from liquid sodium silicate solution; in Sub-No. 49 from sulphuric acid; and in Sub-No. 52 from denatured alcohol solvents and ethyl ether; in Sub-No. 55 to "clay, concrete, glass or stone products" from lime and limestone; in Sub-No. 56 to "chemicals and related products" from ethyl ether; in Sub-No. 59 to "chemicals and related products" from liquid chemicals; in Sub-No. 60 to "metal products" from fly ash; in Sub-No. 61 to "chemicals and related products" from chemical fertilizers and fertilizer ingredients; in Sub-No. 63 to "chemicals and related products" from silicate of soda; in Sub-No. 64 to "ores and minerals" from fluorspar; to "chemicals and related products", in Sub-No. 67 from hydrofluosilicic acid, in Sub-No. 68 from anhydrous ammonia and nitrogen solutions, and in Sub-No. 70 from dry fertilizer, dry fertilizer materials, dry urea and dry ammonium nitrate; in Sub-No. 71 to "food and related products" from dry starch; in Sub-No. 72 to "ores and minerals" from fluorspar; to "chemicals and related products" in the following: in Sub-No. 80 from ferric sulphate; in Sub-No. 81 from phosphoric acid, phosphatic fertilizer solutions, tetrapotassium-pyrophosphates and dry phosphates; in Sub-No. 83 from fertilizer and fertilizer materials; and in Sub-No. 89 from spent phosphoric acid; in Sub-

No. 90 to "clay, concrete, glass or stone products" from lime; to "chemicals and related products" in the following: in Sub-No. 91 from nitrogen fertilizer solution; in Sub-No. 92 from silicate of soda; and in Sub-No. 95 from anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid and fertilizer solutions; to "food and related products", in Sub-No. 96 from flour; and in Sub-No. 99 from corn products; to "chemicals and related products": in Sub-No. 104 from vinylpyridine; in Sub-No. 105 from creosote oil; and in Sub-No. 107 from anhydrous ammonia; in Sub-No. 108 to "clay, concrete, glass or stone products" from lime; in Sub-No. 109 to "chemicals and related products" from synthetic plastics; in Sub-No. 110, to "food and related products" from corn grits; in Sub-No. 111, to "chemicals and related products" from spent phosphoric acid; to "food and related products": in Sub-No. 123 from flour; in Sub-No. 124 from soya flour, flakes and grits; in Sub-No. 125 from corn products; in Sub-No. 126 from spent phosphoric acid; in Sub-No. 127 to "food and related products" from liquid animal feed supplement; to "chemicals and related products": in Sub-No. 129 from ethyl ether; in Sub-No. 130 from spent phosphoric acid; in Sub-No. 131 from dry polyethylene resins; in Sub-No. 132 from printers ink; in Sub-No. 134 from anhydrous ammonia and liquid fertilizer materials; in Sub-No. 136 from diammonium phosphate; in Sub-No. 137 from muratic acid; in Sub-No. 138 from ethyl ether; in Sub-No. 139 from ink; in Sub-Nos. 142 and 143 to "food and related products" from corn products; to "chemicals and related products": in Sub-No. 145 from fertilizer and fertilizer ingredients; in Sub-No. 146 from liquid fertilizer solutions; and in Sub-Nos. 152 and 157 from spent phosphoric acid; in Sub-No. 158 to "food and related products" from dry corn products; in Sub-No. 159 to "chemicals and related products" from phosphorous; in Sub-No. 160 to "chemicals and related products" from spent phosphoric acid; in Sub-No. 161 to "food and related products" from dry feed ingredients; in Sub-No. 162 to "chemicals and related products" from sodium silicate; in Sub-No. 164 to "chemicals and related products" from alcohol and alcohol compounds; in Sub-No. 167 to "ores and minerals" from processed perlite; in Sub-Nos. 170 and 171 to "food and related products" from dry soybean products; in Sub-No. 182 to "clay, concrete, glass or stone products" from pulverized limestone; to "chemicals and related products": in Sub-No. 191 from cupric chloride; in Sub-No. 196G from acids, liquid chemicals and silicate

of soda; in Sub-No. 207 from ink and ink materials; in Sub-No. 208 from hydrochloric acid; in Sub-No. 213 from acids, chemicals and polyethylene resins; and in Sub-No. 218 from sulfuric acid; in Sub-No. 222 to "clay, concrete, glass or stone products" from dolomite limestone; in Sub-No. 224F to "chemicals and related products" from day plastic materials; to "chemicals and related products" in Sub-No. 226F from aluminum sulphate; in Sub-No. 228F from phosphoric acid; in Sub-Nos. 229F and 234 from printing ink and printing ink materials; and in Sub-No. E1 from liquid chemicals; in Sub-No. E2 to "food and related products" from corn products; in Sub-No. E3 to "food and related products" from flour; to "chemicals and related products": in Sub-No. E4 from acids; in Sub-No. E5 from phosphoric acid; in Sub-No. E6 from liquid alum; and in Sub-Nos. E7, E8 and E9 from liquid chemicals; (2) to remove equipment limitations and "in bulk" or "in bag" restrictions in all the authorities; (3) to replace cities and facilities with county-wide authority: in the lead Lake County, IN and Cook County, IL for East Chicago, IN; Hancock, Hamilton and Madison Counties, IN for Fortville, IN; Monroe, Madison and St. Clair Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO for St. Louis, MO; Madison, Henry and Delaware Counties, IN for Anderson, IN; Van Wert County, OH for Van Wert, OH; LaSalle and Grundy Counties, IL for Seneca, IL, Franklin, Pickaway, Madison, Fairfield, Licking, Delaware and Union Counties, OH for Columbus, OH; Butler and Hamilton Counties, OH for Hamilton, OH; Clark County, IN, Jefferson County, KY for Jeffersonville, IN, Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; Lake County, IN for Hartsdale, IN; Whitley County, IN for Briggs, IN; Douglas County, IL for Ficklin, IL; Hamilton, Clermont, and Butler Counties, OH, and Boone, Kenton and Campbell Counties, KY for Cincinnati, OH; Adams, Wells and Allen Counties, IN for Fort Wayne, IN, Vermilion County, IL and Vermillion and Warren Counties, IN for Danville, IL, Jefferson, Oldham and Bullitt Counties, KY and Floyd, Clark and Harrison Counties, IN for Louisville, KY; Lawrence County, OH, Boyd County, KY and Wayne County, WV for South Point, OH; Hamilton and Butler Counties, OH for Fernald, OH; Henderson County, KY and Vanderburgh County, IN for West Henderson, KY; Lucas, Wood and Ottawa Counties, OH and Monroe and

Lenawee Counties, MI for Toledo, OH; Kanawha County, WV for Belle, WV; Clark and Floyd Counties, IN and Jefferson County, KY for New Albany, IN; Stark, Portage, Mahoning and Columbiana Counties, OH for Alliance, OH; Hamilton County, OH for Lockland, OH; Meade County, KY and Harrison County, IN for Brandenburg, KY; Martin County, MN for Fairmont, MN; Will County, IL for Joilet, IL, Bay, Midland and Saginaw Counties, MI for Midland, MI; Hamilton County, OH for Evendale, OH; Dougherty and Lee Counties, GA for Albany, GA; Hawkins and Sullivan Counties, TN and Scott County, VA for Kingsport, TN; Ouchita and Union Parishes, LA for Sterlington, LA; Vigo County, IN and Clark and Edgar Counties, IL for Terre Haute, IN; Cook County, IL for Chicago Heights, IL; Will County, IL for Elwood, IL, Butler and Armstrong Counties, PA for Petrolia, PA; Kanawha and Putnam Counties, WV for Nitro, WV; Cocke County, TN for Newport, TN; Hennepin, Ramsey, Dakota, Scott, Carver, Anoka and Washington Counties, MN for Minneapolis, MN; New Castle County, DE for New Castle, DE; Chester and Delaware Counties, PA for West Chester, PA; Camden County, NJ for Merchantville, NJ; De Kalb, Clayton, Cobb, and Fulton Counties, GA for Atlanta, GA; Boyd and Greenup Counties, KY and Lawrence County, OH for Ashland, KY; St. Genevieve County, MO for Mosher, MO; Madison and Hamilton Counties, IN for Lapel, IN; Coos County, NH for Gorham, NH; Lake County, OH for Painesville, OH; Belmont County, OH for Barton, OH; Summit, Wayne and Medina Counties, OH for Barberton, OH; Buchanan and Andrew Counties, MO and Doniphan County, KS for St. Joseph, MO; Macomb, Wayne, Oakland, Washtenaw and Monroe Counties, MI for Detroit, MI; Allen County, OH for Cairo, OH; Madison County, IL and St. Louis County, MO for Wood River, IL, Lake County, IN and Will and Cook Counties, IL for Hammond, IN; Peoria, Tazewell and Woodford Counties, IL for Peoria, IL; in Sub-No. 15 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 16 Sangamon County, IL for Springfield, IL, Madison County, IL for Alton, IL, Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; Cass and Schuyler Counties, IL for Beardstown, IL, Adams, Wells and Allen Counties, IN for Fort Wayne, IN; Decatur County, IN for Greensburg, IN; and, Douglas, Washington and Sarpy

Counties, NE and Pottawattamie and Mills Counties, IA for Omaha, NE; in Sub-No. 19 Ross County, OH for Chillicothe, OH; and, Butler, Montgomery, Preble and Warren Counties, OH for Middletown, OH; in Sub-No. 20 LaSalle County, IL for Marseilles, IL; and Humboldt County, IA for Humboldt, IA; in Sub-No. 21 Douglas County, IL for Ficklin, IL; in Sub-No. 28 Hamilton and Butler Counties, OH for Fernald, OH; Monroe, Madison and St. Clair Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO for St. Louis, MO; in Sub-No. 28 Will County, IL for Elwood, IL; in Sub-No. 31 Hamilton and Butler Counties, OH for Fernald, OH; in Sub-No. 38 LaSalle and Grundy Counties, IL for Marseilles, IL; in Sub-No. 39 Wayne County, MI for Wyandotte, MI; and, Elkhart and St. Joseph Counties, IN and Cass County, MI for Elkhart, IN; in Sub-No. 40 LaSalle and Grundy Counties, IL for Marseilles, IL, in Sub-No. 41 Adams, Wells and Allen Counties, IN for Fort Wayne, IN; in Sub-No. 42 Greenup County, KY for Siloam, KY; in Sub-No. 46 Grundy County, IL for Morris, IL; in Sub-No. 47 Madison, Henry and Delaware Counties, IN for Anderson, IN; and, Jefferson, Shelby and St. Clair Counties, AL for Birmingham, AL; in Sub-No. 49 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; and, Jefferson, Oldham and Bullitt Counties, KY and Floyd, Clark and Harrison Counties, IN for Louisville, KY; in Sub-No. 52 Douglas County, IL for Ficklin, IL; and, Middlesex County, CT for Higganum, CT; in Sub-No. 55 Preble and Montgomery Counties, OH for Lewisburg, OH; in Sub-No. 58 Douglas County, IL for Ficklin, IL, and, Montgomery, Philadelphia, Chester and Delaware Counties, PA for Norgistown, PA; in Sub-No. 60 Clark, Montgomery, Green and Miami Counties, OH for Dayton, OH; in Sub-No. 61 Vigo County, IN for Terre Haute, IN; in Sub-No. 63 Hancock, Hamilton and Madison Counties, IN for Fortville, IN; Jefferson, Oldham and Bullitt Counties, KY and Floyd, Clark and Harrison Counties, IN for Louisville, KY; and, Meade, Hardin and Bullitt Counties, KY and Harrison County, IN for Fort Knox, KY; in Sub-No. 64 Hardin and Gallatin Counties, IL and Crittenden, Livingston and Union Counties, KY for Cave-In-Rock, IL and points within 10 miles of Cave-In-Rock, IL, in Sub-No. 67 Grundy County, IL for Morris, IL, in Sub-No. 68 LaSalle and Grundy Counties, IL for Marseilles, IL; in Sub-No. 70 Clinton and Scott Counties, IA and Whiteside and Carroll Counties, IL for Clinton, IA; and Whiteside

County, IL and Clinton County, IA for Fulton, IL, in Sub-No. 71 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 72 Crittenden County, KY for Marion, KY; and, Clark and Floyd Counties, IN for Speed, IN; in Sub-No. 80 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 81 Hamilton and Butler Counties, OH for Fernald, OH; in Sub-No. 83 Fountain and Montgomery Counties, IN for Hillsboro, IN; and, Knox County, IN for Fritchton, IN; in Sub-No. 89 Gratiot County, MI for Alma, MI; Eaton County, MI for Charlotte, MI; Allegan, Kent, Ottawa and Barry Counties, MI for Grand Rapids, MI; Ionia County, MI for Ionia, MI; Jackson County, MI for Jackson, MI; Lenawee and Monroe Counties, MI for Riga, MI; Macomb, Oakland, Wayne, Washtenaw and Monroe Counties, MI for Detroit, MI; Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; Lawrence County, IN for Bedford, IN; Lorain and Cuyahoga Counties, OH for Elyria, OH; Shelby County, OH for Sidney, OH; and, Fulton County, OH for Wauseon, OH; in Sub-No. 90 Clark, Champaign and Greene Counties, OH for Springfield, OH; in Sub-No. 91 Miami County, OH for Piqua, OH; in Sub-No. 92 Hancock, Hamilton and Madison Counties, IN for Fortville, IN; and, Hardin County, IL and Crittenden County, KY for Cave-In-Rock, IL, in Sub-No. 95 Marion County, MO for South River, MO; in Sub-No. 96 Macon County, IL for Decatur, IL, and, Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 99 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 104 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; and, Spartanburg County, SC for Inman, SC; in Sub-No. 105 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; and, Barry County, MI for Hastings, MI; in Sub-No. 107 Will County, IL for Joliet, IL; in Sub-No. 108 Franklin, Pickaway, Madison, Fairfield, Licking, Delaware and Union Counties, OH for Columbus, OH; and, Preble and Montgomery Counties, OH for Lewisburg, OH; in Sub-No. 109 Douglas County, IL for Tuscola, IL, in Sub-No. 110 Vermillion County, IL and Vermillion and Warren Counties, IN for Danville, IL, and, Hamilton, Clermont, and Butler Counties, OH, and

Boone, Kenton and Campbell Counties, KY for Cincinnati, OH; in Sub-No. 111 Lorain and Cuyahoga Counties, OH for Elyria, OH; and Kanawha County, WV for Charleston, WV; in Sub-No. 123 Macon County, IL for Decatur, IL, in Sub-No. 124 Macon County, IL for Decatur, IL, and, Jasper, White and Benton Counties, IN for Remington, IN; in Sub-No. 125 Vermillion County, IL and Vermillion and Warren Counties, IN for Danville, IL; in Sub-No. 126 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-Nos. 127 and 129 Douglas County, IL for Tuscola, IL; in Sub-No. 130 Van Wert County, OH for Van Wert, OH; and, Allen, Van Wert and Auglaize Counties, OH for Spencerville, OH; in Sub-No. 131 Greene County, OH for Xenia, OH, Erie and Niagara Counties, NY for Buffalo, NY; and, Oneida County, NY for Rome, NY; in Sub-No. 132 Duval, Nassau, Clay, Baker, Union and Bradford Counties, FL for Jacksonville, FL, Seminole and Orange Counties, FL for Orlando, FL; De Kalb, Clayton, Cobb, and Fulton Counties, GA for Atlanta, GA; Twiggs and Bibb Counties, GA for Huber, GA; Orleans, St. Bernard, Plaquemines, Jefferson, St. Charles, St. John the Baptist and St. Tammany Parishes, LA for New Orleans, LA; and, Coosa and Talladega Counties, AL for Sylacauga, AL, in Sub-No. 134 Morgan County, IL for Meredosia, IL, in Sub-No. 136 Bureau and Putnam Counties, IL for DePue, IL, McLean County, IL for Colfax, IL; Cook County, IL for Riverdale, IL; and, Polk, Dallas and Warren Counties, IA for Des Moines, IA; in Sub-Nos. 137 and 138 Douglas County, IL for Tuscola, IL, in Sub-No. 139 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 140 LaSalle County, IL for Utica, IL, in Sub-No. 142 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 143 Vermillion County, IL and Vermillion and Warren Counties, IN for Danville, IL, in Sub-No. 145 Vermillion County, IL for Tilton, IL; in Sub-No. 146 Cass County, IN for Logansport, IN; in Sub-No. 159 Bolivar and Sunflower Counties, MS for Cleveland, MS; and, Obion County, TN for Union City, TN; in Sub-No. 157 Bolivar and Sunflower Counties, MS for Cleveland, MS; Williams and Defiance Counties, OH for Bryan, OH; and, Auglaize County, OH for Wapakoneta, OH; in Sub-No. 158 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 152 Maury County, TN for Mt.

Pleasant, TN; in Sub-No. 160 Fulton County, IN for Rochester, IN; and, Lawrence County, IN for Bedford, IN; in Sub-No. 161 Jefferson County, IN and Trimble and Carroll Counties, KY for Madison, IN; in Sub-No. 162 Hancock, Hamilton and Madison Counties, IN for Fortville, IN; and, Audrain County, MO for Mexico, MO; in Sub-No. 164 Douglas County, IL for Tuscola, IL; in Sub-No. 167 Montgomery County, IN for Crawfordsville, IN; in Sub-No. 169 Dearborn County, IN for Aurora, IN; in Sub-No. 170 Vermillion County, IL and Vermillion and Warren Counties, IN for Danville, IL; in Sub-No. 171 Champaign County, IL for Champaign, IL; in Sub-No. 182 Jay County, IN for Portland, IN; in Sub-No. 191 Knox County, IN and Lawrence County, IL for Vincennes, IN; and, Lorain and Cuyahoga Counties, OH for Elyria, OH; in Sub-No. 196G Lake County, IN and Cook County, IL for East Chicago, IN; De Kalb, Clayton, Cobb, and Fulton Counties, GA for Atlanta, GA; Clark County, IN and Jefferson County, KY for Jeffersonville, IN; and, Hancock, Hamilton and Madison Counties, IN for Fortville, IN; in Sub-No. 213 Douglas County, IL for Tuscola, IL; in Sub-No. 218 Allen and Putnam Counties, OH for Cairo, OH; and Lucas, Wood and Ottawa Counties, OH and Monroe and Lenawee Counties, MI for Toledo, OH; in Sub-No. 222 Jay County, IN for Portland, IN; in Sub-No. 224 Sangamon, Christian and Macon Counties, IL for Illiopolis, IL; in Sub-No. 226 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 228 Maury County, TN for Columbia, TN; in Sub-Nos. 229 and 234 Clark and Floyd Counties, IN and Jefferson County, KY for New Albany, IN; in Sub-No. E1 Madison, Henry and Delaware Counties, IN for Anderson, IN; in Sub-No. E2 Vermillion County, IL and Vermillion and Warren Counties, IN for Danville, IL; in Sub-No. E3 Macon County, IL for Decatur, IL; in Sub-No. E4 Lake County, IN and Cook County, IL for East Chicago, IN; in Sub-No. E5 Clark County, IN and Jefferson County, KY for Jeffersonville, IN; in Sub-No. E6 Butler, Montgomery, Preble and Warren Counties, OH for Middletown, OH; in Sub-No. E7 Douglas County, IL for Ficklin; in Sub-No. E8 Madison, Henry and Delaware Counties, IN for Anderson, IN; and, in Sub-No. E9 Douglas County, IL for Ficklin, IL; (4) replace one-way with radial in all authorities; and (5) remove miscellaneous restrictions in the lead "except Van Wert, OH", "in shipments of not less than 21,000 pounds", (except Fort Wayne, Jeffersonville, Indianapolis,

and Hartsdale, IN)", "(except Charleston, South Charleston, Institute, Fairmont, Morgantown and Follansbee, [WV])", "(except petroleum derivative chemicals as defined by the Commission)", "(except Brandenburg and points within two miles thereof [KY])", "(except Kingsport and Elizabethton, [TN])", "(except petrochemicals)", "(except nitrogen fertilizer solutions and fertilizer ammoniating solutions)", "(except derivatives of coal tar)", the restriction against the transportation of shipments destined to points in Canada; "(except silicate of soda)", "(except Woodville, Gibsonburg, Martin, Marblehead, Genoa and Maple Grove, [OH]), and points within two miles of each)", "(except vinyl acetate to Illiopolis, IL)", "(except Grand Rapids, Kalamazoo, and the port of entry at or near Port Huron, MI)", restriction against the transportation of liquid chemicals, in bulk, in tank vehicles, between the sites of the Commerical Solvents Corporation's plants at or near Terre Haute, IN and Peoria, IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MO, OH and WI; in Sub-No. 20 the restriction against serving the site of any glass manufacturing plant; in Sub-No. 28 (except soda ash and chemicals derived from petroleum); in Sub-No. 31 "(except derivatives of petroleum-based chemicals); in Sub-No. 38 "(except in bags to points in the lower peninsula [MI]); in Sub-No. 41 "(except Kalamazoo and Grand Rapids, [MI]), (except vegetable oil to points in Hamilton County), (except Kingsport, [TN]); in Sub-No. 42 restriction against the movement of traffic to the U.S.-Canada Boundary line which is destined for through movement to Canada"; in Sub-No. 55 "(except limestone to points in Michigan more than 40 miles from Monroe, MI); in Sub-No. 61 "(excepting such of said specified commodities as are dry from said plantsite to points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, Wayne, Geauga, Portage and Lorain Counties, OH); in Sub-No. 89 restriction against the transportation of traffic originating at or destined to points in Canada"; in Sub-No. 90 restriction that no shipment of lime, in containers, or in bulk, in dump vehicles, shall be transported to the sites of glass manufacturing plants in Illinois, Indiana, the lower peninsula of Michigan and Glenshaw, South Connellsville, Washington, Greensburg and Ford City, PA and Huntington and Parkersburg, WV"; in Sub-No. 91 "(except Grand Rapids and Kalamazoo, MI); in Sub-No. 116 restriction to the transportation of traffic having a prior

movement by rail"; in Sub-No. 129 restriction to the transportation of shipments destined to Brandon-Manitoba, Canada"; in Sub-No. 130 "(except Alma, Charlotte, Detroit, Grand Rapids, Ioma, Jackson, Riga, Trenton, Kalamazoo, Midland, Montague, MI)", and restriction that the authority shall not be joined or combined directly or indirectly with any authority held by carrier for the purpose of providing service from or to points in Canada"; in Sub-No. 131 "(except Grand Rapids, Kalamazoo and Ferndale, [MI]); in Sub-Nos. 134, 136 and 140, the restriction limiting transportation to traffic originating at named facilities and destined to designated points; in Sub-No. 138 the restriction limiting transportation to traffic destined to points in Canada; in Sub-No. 161 "(except points in Indiana within the Chicago, IL Commercial Zone as defined by the Commission); in Sub-No. 169 "(except corn products and flour)" and restriction against the transportation of shipments having an immediately prior movement by rail or water; to that limiting transportation of traffic originating at the named facilities and destined to designated points; in Sub-No. 196G "(except Kingsport and Elizabethton, [TN])", "(except petroleum derivative chemicals as defined by the Commission); in Sub-No. 213 "(except liquified natural gas); in Sub-No. 226 "(except East St. Louis, [IL]); in Sub-No. E1 "(except silicate of soda)" and "restriction limiting transportation to traffic destined to points in Canada"; in Sub-No. E4 "(except soda ash and chemicals derived from petroleum)", and, "restricted against serving the site of any glass manufacturing plant"; in Sub-No. E5 "restricted against serving the site of any glass manufacturing plant", and, "(except soda ash and petroleum derivative chemicals as defined by the Commission"; and, in Sub-No. E8 "(except silicate of soda)".

MC 120737 (Sub-97)X, filed September 8, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 60F, 61, 63F, and 73F certificates to (1) broaden its commodity descriptions to "metal products," from iron and steel articles, and iron and steel pipe, in Sub-Nos. 60F, 61, and 63F; (2) replace cities with county-wide authority: in Sub-No. 60F, Sterling, IL, with Whiteside County, IL, and in Sub-No. 63F, Galveston, TX, with Galveston County, TX; (3) change one-way to radial authority in Sub-Nos. 60F, 61, and 63F; and (4) eliminate: in Sub-

No. 60F, the originating at and destined to restriction; and in Sub-No. 73F, the in bulk, in tank vehicle exception.

MC 120761 (Sub-74)X, filed August 24, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6558 Midway Road, P.O. Box 18728, Forth Worth, TX 76118. Representative: Clint Oldham, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Applicant seeks to remove restrictions from its Sub-Nos. 10, 11, 12, 14, 20, 22, 27, 29, 35, 36F, 37F, 39F, 43F, 44F, 45F, 49F, 50F, 52F, 53F, 54F, 57F and 58F certificates to (1) change the commodity descriptions (a) from roofing materials and supplies, hardwood products, plywood, etc., to "building materials" in Sub-Nos. 10, 29, 35, 45F, 50F, and 58F; (b) from trailers, semi-trailers, etc., to "transportation equipment" in Sub-No. 11; (c) from various iron and steel articles to "metal products" in Sub-Nos. 12, 14, 20, 22, 27, 36F, 43F, 52F, 53F, 54F, and 57F; (d) from plastic pipe, etc., to "rubber and plastic products" in Sub-No. 37F; (e) from bentonite clay and lignite coal to "Mercer Commodities" in Sub-No. 39F; (f) from asbestos cement pipe, couplings and fittings to "clay, concrete, glass, stone, rubber or plastic products" in Sub-No. 44F; and (g) from plastic pipe, fittings, valves and hydrants to "rubber, plastic or metal products" in Sub-No. 49F; (2) remove the following restrictions wherever they appear in each certificate: (a) facilities limitations; (b) "originating at or destined to"; (c) "except in bulk, in tank vehicles"; and (d) "except AK and HI"; (3) authorize two-way authority where only one-way exists; and (4) replace city-wide authority with county-wide authority wherever the following appear in each certificate: Mansfield with Tarrant County, TX; Jewett with Leon County, TX; Grapeland with Houston County, TX; Hope with Hempstead County, AR; Midlothian with Ellis County, TX; Weatherford with Parker County, TX; Hillsboro with Hill County, TX; Columbus with Boone County, MO; Plum with Fayette County, TX; Union with Franklin County, MO; and Franklin Park with Cook County, IL.

MC 129903 (Sub-20)X, filed September 1, 1981. Applicant: EMPORIA MOTOR FREIGHT, INC., Box 1103, RR 5, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 17 and 19 certificates to (1) broaden general commodities (with exceptions) to "general commodities, except Classes A and B explosives," in Sub-No. 17; (2) authorize service at all

intermediate points along its described regular route between Kansas City, MO and Wichita, KS, in Sub-No. 17; and (3) authorize county-wide authority to replace existing off-route point authority: Morris County, KS, for Council Grove, KS, in Sub-No. 17.

MC 135454 (Sub-30)X, filed July 17, 1981. Applicant: DENNY TRUCK LINES, INC., 655 Basket Road, P.O. Box 337, Webster, New York 14580.

Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187.

Applicant seeks to remove restrictions in its Sub-Nos. 7, 8, 9, 10, 11, 12, 13 and 14 authorities acquired through MC-FC 75072; and Sub-Nos. 5, 15, 16, 17, 18, 19F, 21F, 22F, 23F, 24F, 25F, and 29F certificates to (A) broaden the commodity description to "food and related products" from foodstuffs, materials and supplies (except frozen foods and except in bulk, in tank vehicles) canned, preserved or prepared foodstuffs, (except frozen), frozen foods, frozen fruits and vegetables, dried beans, cereal preparations, malt beverages, and teething biscuits in its Sub-Nos. 7(b), 7(d), 7(e), 7(g), 7(h), 7(i), 7(j), 9, 10, 11, 12, 13, 15, 16, 18, 19, and 25F; to "metal products" from containers, closures for containers, covers, lids, and tops for containers, in Sub-Nos. 5, 7(f), 8, 14, 19, 22 and 23F, to "pulp, paper and related products" from containers, corrugated paper boxes, paper containers, sanitary napkins in Sub-Nos. 5, 7(f), 14, 17, 21, 23F (part (1)) and 29F; to "clay, concrete, glass or stone products" from containers and glass containers in Sub-Nos. 5, 7(f), 8, 14, 19, 21, 23 (part (1)) and 29F; to "rubber and plastic products" from containers, container components, closures, packaging products, except commodities in bulk, scrap materials (except commodities in bulk and those requiring special equipment), in Sub-Nos. 5, 7(f), 8, 19(b), 21, 23, (parts (1) and (2)) and 29F; (B) remove restriction in Sub-No. 13 to shipments having a prior movement by rail and to that limiting transportation to traffic destined to named points; (C) replace one-way authority with radial authority in all Sub-Nos., except Sub-No. 23F; (f) broaden the territorial description by substituting county-wide authority for named facilities or other named points: Monroe County, NY (Fairport, Rochester, Hamlin, Hilton) in Sub-Nos. 5, 7(h), 7(i), 16, 17, 21, 25; Orleans County, NY, (Holley) in Sub-No. 7(h), 12; Wayne County, NY, (Williamson and Sodus) in Sub-Nos. 7(h) and 13; Adams County, PA (Aspers) in Sub-Nos. 5, and 15; Erie, Genesee, Monroe, Niagara, Livingston, and

Wyoming Counties, NY (Oakfield, NY and points within 25 miles of Oakfield) in Sub-No. 7(b) and 11; Union County, NJ (Linden) in Sub-No. 7; Hamilton County (Cincinnati) in Sub-No. 7; Alleghany, Westmoreland, Butler, Beaver and Washington Counties, PA (Pittsburgh) in Sub-No. 7; Cambria, and Blair Counties, PA (Altoona) in Sub-No. 7; Fayette County, PA, (Connellsville) in Sub-No. 8; Montgomery County, NY (Canajoharie) in Sub-No. 8; Genesee County, NY, (Batavia) in Sub-No. 10; Genesee County, NY (LeRoy) in Sub-Nos. 9 and 11; Livingston County, NY, (Mt. Morris and Leicester) in Sub-Nos. 9 and 11; Genesee County, NY (Bergen) Sub-No. 11; Salem County, NJ (Salem) in Sub-No. 14; Westmoreland County, PA (Scottsdale and Youngwood) in Sub-No. 14; Gloucester County, NJ (Glassboro) in Sub-No. 16; Middlesex County, NJ (Milltown) in Sub-No. 17; Ontario County, NY (Manchester and Geneva) in Sub-Nos. 19 and 24, and (D) remove the restriction, except commodities in bulk, in tank vehicles in Sub-No. 24.

MC 136782 (Sub-36)X, filed August 27, 1981. Applicant: R.A.N. TRUCKING COMPANY, Post Office Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 29F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) broaden city-wide to county-wide authority; from Ft. Wayne, IN, to Allen County, IN and from Lorain, OH, to Lorain County, OH; and (3) replace one-way with radial authority.

MC 140086 (Sub-12)X, filed August 31, 1981. Applicant: DELARIA TRANSPORT, INC., 327 8th Ave., NW, New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 8F, 9F, 10F, and 11F certificates to (1) broaden the commodity descriptions from liquid sugar, corn syrup, and blends thereof, in bulk, in Sub-No. 8F, animal fats, in bulk, in Sub-No. 9F, vegetable oils, in Sub-No. 10F, and animal by products and feed ingredients in Sub-No. 11F, to "commodities in bulk"; (2) remove the vehicle restriction in Sub-Nos. 8F and 9F; (3) replace (a) Huron, SD, with Beadle County, SD and Worthington, MN, with Nobles County, MN, in Sub-No. 9F and (b) Mankato, MN, with Nicollette and Blue Earth Counties, MN, in Sub-No. 10F; and (3)

replace one-way authorities with radial authorities.

MC 140942 (Sub-4)X, filed August 21, 1981. Applicant: CLOVERDALE TRANSPORTATION COMPANY, Box 578, Mandan, ND 58554. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502-2578. Applicant seeks to remove restrictions in its Sub No. 1 permit to (1) broaden the commodity description from lumber, plywood, and particle board, to "lumber, plywood, particle board, and building materials"; (2) broaden the territorial scope to between points in the United States under continuing contract(s) with a named shipper; and (3) remove the restriction against transportation from White Sulphur Springs, MT.

MC 147973 (Sub-2)X, filed August 27, 1981. Applicant: B.J. TRANSPORT, INC., Livestock Exchange Bldg., 100 Stockyard Road, South St. Paul, MN 55075. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions from its Sub-No. 1F certificate to (1) broaden the commodity description from printed paper, paper, and paper products to "printed matter and pulp, paper and related products"; (2) expand existing one-way authority to radial authority; and (3) eliminate the "AK" and "HI" exceptions on its nationwide authority.

[FR Doc. 81-27326 Filed 9-13-81; 8:45 am]

BILLING CODE 7035-01-M

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Agency for International Development

#### Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized guaranties of loans to a number of developing countries (Borrowers) as part of A.I.D.'s overall development assistance program. The proceeds of these loans will be used to finance shelter projects for low income families residing in the countries of the Borrowers. The following address of a Borrower and loan amount indicates a new project which soon will be ready to receive financial and for which the Borrower is requesting proposals from U.S. lenders or investment bankers:

India, Project: 386-HG-001—\$20,000,000.  
Deepak Parekh, Deputy General Manager, Housing Development Finance Corporation Limited, Ramon House 169, Backbay Reclamation

Bombay 400 020, Telex: HDFC 6762,  
Telephone: 222866, or  
c/o Mr. S. Padmanabhan, State Bank of  
India, 460 Park Avenue, New York,  
New York 10022, Telephone: (212)  
371-5600.

Additional projects will be advertised  
from time to time as they become ready  
for borrowing.

By this notice of investment  
opportunity, the above Borrower is  
soliciting expressions of interest from  
U.S. lenders or investment bankers to  
counsel on loan timing, structure and  
features, and to manage the loans or  
underwritings. Interested investment  
bankers or lenders should contact the  
Borrower indicated above. Selection of  
investment bankers and/or lenders and  
the terms of the loans are initially  
subject to the individual discretion of  
the Borrower and thereafter subject to  
approval by A.I.D. The lenders and  
A.I.D. shall enter into a Contract of  
Guaranty, covering each of the loans.  
Disbursements under the loans will be  
subject to certain conditions required of  
the Borrower by A.I.D. as set forth in  
implementation agreements between  
A.I.D. and the Borrower.

The full repayment of the loans will  
be guaranteed by A.I.D. The A.I.D.  
guaranty will be backed by the full faith  
and credit of the United States of  
America and will be issued pursuant to  
authority in Section 222 of the Foreign  
Assistance Act of 1961, as amended (the  
"Act").

Lenders eligible to receive an A.I.D.  
guaranty are those specified in Section  
238(c) of the Act. They are: (1) U.S.  
citizens; (2) domestic U.S. corporations,  
partnerships, or associations  
substantially beneficially owned by U.S.  
citizens; (3) foreign corporations whose  
share capital is at least 95 percent  
owned by U.S. citizens; and (4) foreign  
partnerships or associations wholly  
owned by U.S. citizens.

To be eligible for an A.I.D. guaranty,  
the loans must be repayable in full no  
later than the thirtieth anniversary of  
the disbursement of the principal  
amount thereof and the interest rates  
may be no higher than the maximum  
rate established from time to time by  
A.I.D.

Information as to the eligibility of  
investors and other aspects of the A.I.D.  
housing guaranty program can be  
obtained from: Director, Office of  
Housing, Agency for International  
Development, Room 625, SA-12,  
Washington, D.C. 20523, Telephone:  
(202) 632-9837

Dated: September 11, 1981.

Peter M. Kimm,  
*Director, Office of Housing.*

[FR Doc. 81-27457 Filed 9-18-81; 8:45 am]  
BILLING CODE 4710-02-M

## NATIONAL SCIENCE FOUNDATION

### Environmental Biology Advisory Committee, Subcommittee on Ecology; Meeting

In accordance with the Federal  
Advisory Committee Act, as amended,  
Pub. L. 92-463, the National Science  
Foundation announces the following  
meeting:

Name: Subcommittee on Ecology of the  
Advisory Committee for Environmental  
Biology.

Date and time: October 29 and 30, 1981; 8:30  
a.m. to 5 p.m. each day.

Place: Room 338, National Science  
Foundation, 1800 G St. NW., Washington,  
D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Gary W. Barrett, Program  
Director, Ecology Program, (202) 357-9734,  
Room 336, National Science Foundation,  
Washington, D.C. 20550.

Purpose of meeting: To provide advice and  
recommendations concerning support for  
research in ecology.

Agenda: To review and evaluate research  
proposals and projects as part of the  
selection process of awards.

Reason for closing: The proposals being  
reviewed include information of a  
proprietary or confidential nature,  
including technical information; financial  
data, such as salaries; and personal  
information concerning individuals  
associated with the proposals. These  
matters are within exemptions (4) and (6)  
of 5 U.S.C. 552b(c), Government in the  
Sunshine Act.

Authority to close meeting: This  
determination was made by the Committee  
Management Officer pursuant to provisions  
of Section 10(d) of Pub. L. 92-463. The  
Committee Management Officer was  
delegated the authority to make such  
determinations by the Director, NSF, on  
July 6, 1979.

M. Rebecca Winkler,  
*Committee Management Coordinator.*  
September 16, 1981.

[FR Doc. 81-27344 Filed 9-18-81; 8:45 am]  
BILLING CODE 7555-01-M

### Environmental Biology Advisory Committee, Subcommittee on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal  
Advisory Committee Act, as amended,  
Pub. L. 92-463, the National Science  
Foundation announces the following  
meeting:

Name: Subcommittee on Population Biology  
and Physiological Ecology of the Advisory  
Committee for Environmental Biology.

Date and time: October 22 and 23, 1981; 8:30  
a.m. to 5 p.m. each day.

Place: Room 643, National Science  
Foundation, 1800 G St. NW., Washington,  
D.C. 20550.

Type of meeting: Closed

Contact person: Dr. Jerry F. Downhower,  
Program Director, Population Biology and  
Physiological Ecology Program (202) 357-  
9728, Room 336, National Science  
Foundation, Washington, D.C. 20550.

Purpose of meeting: To provide advice and  
recommendations concerning support for  
research in population biology and  
physiological ecology.

Agenda: To review and evaluate research  
proposals and projects as part of the  
selection process of awards.

Reason for closing: The proposals being  
reviewed include information of a  
proprietary or confidential nature,  
including technical information; financial  
data, such as salaries; and personal  
information concerning individuals  
associated with the proposals. These  
matters are within exemptions (4) and (6)  
of 5 U.S.C. 552b(c), Government in the  
Sunshine Act.

Authority to close meeting: This  
determination was made by the Committee  
Management Officer pursuant to provisions  
of Section 10(d) of Pub. L. 92-463. The  
Committee Management Officer was  
delegated the authority to make such  
determinations by the Director, NSF, on  
July 6, 1979.

M. Rebecca Winkler,  
*Committee Management Coordinator.*

September 16, 1981.

[FR Doc. 81-27342 Filed 9-18-81; 8:45 am]  
BILLING CODE 7555-01-M

### Environmental Biology Advisory Committee, Subcommittee on Systematic Biology; Meeting

In accordance with the Federal  
Advisory Committee Act, as amended,  
Pub. L. 92-463, the National Science  
Foundation announces the following  
meeting:

Name: Subcommittee on Systematic Biology  
of the Advisory Committee for  
Environmental Biology.

Dates and time: October 15 and 16, 1981; 8:30  
a.m. to 5 p.m. each day.

Place: Room 338, National Science  
Foundation, 1800 G St. NW., Washington,  
D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Grady L. Webster,  
Program Director, Systematic Biology  
Program, (202) 357-9588, Room 336,  
National Science Foundation, Washington,  
D.C. 20550.

Purpose of meeting: To provide advice and  
recommendations concerning support for  
research in systematic biology.

**Agenda:** To review and evaluate research proposals and projects as part of the selection process of awards.

**Reason for closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463: The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,  
*Committee Management Coordinator.*  
September 16, 1981.

[FR Doc. 81-27341 Filed 9-18-81; 8:45 am]

BILLING CODE 7555-01-M

### **Environmental Biology Advisory Committee, Subcommittee on Ecosystem Studies; Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

**Name:** Subcommittee on Ecosystem Studies of the Advisory Committee for Environmental Biology.

**Date and time:** October 8 & 9, 1981; 8:30 a.m. to 5:00 p.m. each day.

**Place:** Room 642, National Science Foundation, 1800 G St., NW, Washington, D.C. 20550.

**Type of meeting:** Closed.

**Contact person:** Dr. James T. Callahan, Associate Program Director, Ecosystem Studies Program, (202) 357-9596, Room 336, National Science Foundation, Washington, D.C. 20550.

**Purpose of meeting:** To provide advice and recommendations concerning support for research in ecosystem studies.

**Agenda:** To review and evaluate research proposals and projects as part of the selection process of awards.

**Reason for closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,  
*Committee Management Coordinator.*

[FR Doc. 81-27340 Filed 9-18-81; 8:45 am]

BILLING CODE 7555-01-M

### **Physiology, Cellular, and Molecular Biology Advisory Committee, Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular, and Molecular Biology; Meeting**

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Science Foundation announces the following meeting:

**Name:** Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

**Date and time:** October 26 and 27, 1981, 9 a.m. to 5 p.m. each day.

**Place:** Room 643, National Science Foundation, 1800 G Street N.W., Washington, D.C. 20550.

**Type of meeting:** Closed.

**Contract person:** Dr. Michael Cusanovich, Program Director, Biochemistry Program, Room 329, National Science Foundation, Washington, D.C. 20550.

**Purpose of subcommittee:** To provide advice and recommendations concerning support for research in Molecular Biology.

**Agenda:** To review and evaluate research proposals as part of the selection process for awards.

**Reason for closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**Authority to close meeting:** This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of Public Law 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,  
*Committee Management Coordinator.*

September 16, 1981.

[FR Doc. 81-27343 Filed 9-18-81; 8:45 am]

BILLING CODE 7555-01-M

### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-155]

#### **Consumers Power Co. Issuance of Amendment to Facility Operating License**

The Nuclear Regulatory Commission

(the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-6, issued to the Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment adds operability and surveillance requirements for fire protection equipment added by plant modifications in accordance with the requirements of Amendment No. 25, dated April 4, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 27, 1980 and its supplement dated September 22, 1980, (2) Amendment No. 47 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of September 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,  
*Chief, Operating Reactors Branch No. 5,  
Division of Licensing.*

[FR Doc. 81-27451 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413A, 50-414A]

**Duke Power Co.; Receipt of Antitrust Information Accompanying Operating License Application**

The Duke Power Company has submitted antitrust information in connection with the owner's plans to operate two pressurized water reactors located in York County, South Carolina. The reactors have been designated as Catawba Nuclear Station, Units 1 and 2. The data submitted contain antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the Federal Register and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the Federal Register notice. The results of any reevaluation that is requested will also be published in the Federal Register and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch,

Office of Nuclear Reactor Regulation, on or before November 20, 1981.

Dated at Bethesda, Md., this 31st day of August 1981.

For the Nuclear Regulatory Commission,  
Elinor G. Adensam,  
*Acting Branch Chief, Licensing Branch No. 4,  
Division of Licensing.*

[FR Doc. 81-27452 Filed 9-18-81; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 27-47]

**Negative Declaration Chem-Nuclear Systems, Inc.; License Issuance**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License Issuance and Negative Declaration.

**SUMMARY:** NRC has issued a renewed license for Chem-Nuclear Systems, Inc. (CNSI) of Kirkland, Washington, for disposal of special nuclear material (SNM) at CNSI's low-level waste disposal facility located at Barnwell County, South Carolina. NRC has determined that renewal of the SNM license will not result in any significant impact on the environment, and therefore does not require preparation of an environmental impact statement. However, an environmental impact appraisal of the licensing action has been prepared and will be available for public inspection. The SNM license only authorizes disposal of waste containing solid uranium-235, uranium-233, and plutonium in concentrations of 10 nanocuries per gram of waste or less.

**ADDRESSES:** The environmental impact appraisal will be available for public inspection at the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Barnwell County Library, Hagood Avenue, Barnwell, South Carolina.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Dale Smith, Chief, Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 427-4433.

**SUPPLEMENTARY INFORMATION:** The Nuclear Regulatory Commission (NRC) has prepared for Chem-Nuclear Systems, Inc. (CNSI) a renewed license for disposal of special nuclear material (SNM) at CNSI's low-level waste disposal facility located in Barnwell County, South Carolina. (CNSI's main office is located at 10602 N.E. 38th Place, Kirkland, Washington 98033.) The renewed SNM license supersedes the authorization for disposal activities at the CNSI Barnwell site previously

authorized and has been issued based upon CNSI's updated renewal application dated December 20, 1979, and upon supplemental environmental information provided by CNSI to NRC.

NRC has determined that issuance of the renewed SNM license will not result in any significant impact on the environment, and therefore does not require preparation of an environmental impact statement (EIS). The SNM license only authorizes disposal of waste containing small quantities of solid uranium-235, uranium-233, and plutonium in concentrations of 10 nanocuries per gram of waste or less. Further information is contained in NRC's environmental impact appraisal of the license renewal, which will be available for public inspection at the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Barnwell County Library, Hagood Avenue, Barnwell, South Carolina.

CNSI's filing of the updated renewal application was noticed in the Federal Register (45 FR 18213) on March 20, 1980. In the March 20th Notice, NRC gave the licensee the opportunity to file a request for a hearing with respect to the issuance of the license renewal, and for any person whose interest may be affected by the application to file a petition for leave to intervene. NRC received no requests for hearings or petitions for leave to intervene during the time period specified in the March 20th Notice. Accordingly, no hearings on the renewal application were held.

Special Nuclear Material has been buried at the CNSI Barnwell site since 1973, when the facility was first licensed by the Atomic Energy Commission (AEC). Authority for burial of SNM was deleted from the license in December 1974 and later reinscribed in January 1976. Disposal of source and byproduct material is licensed by the State of South Carolina under the Agreement States program and is not included in the renewed SNM license. Development of the renewed SNM license was, however, closely coordinated with officials of the South Carolina Department of Health and Environmental Control, Bureau of Radiological Health.

The Commission finds that the issuance of the renewed license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the requirements of Title 10, Chapter 1, Code of Federal Regulations.

Dated at Silver Spring, Maryland, this 15th day of September, 1981.

For the Nuclear Regulatory Commission.  
**R. Dale Smith,**  
*Chief, Low-Level Waste Licensing Branch,*  
*Division of Waste Management.*  
 [FR Doc. 81-27450 Filed 9-18-81; 8:45 am]  
 BILLING CODE 7590-01-M

### Regulatory Guides; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.28, "Audible-Alarm Dosimeters," discusses a program for the appropriate use of audible-alarm dosimeters, which licensees sometimes use to supplement required personnel radiation monitoring equipment. The guide identifies conditions under which these dosimeters should not be relied upon to perform their intended function and discusses performance specifications they should meet if they are used.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publication Sales Manager. (5 U.S.C. 552(a))

Dated at Silver Spring, Md. this 14th day of September 1981.

For the Nuclear Regulatory Commission.  
**Robert B. Minogue,**  
*Director, Office of Nuclear Regulatory Research.*  
 [FR Doc. 81-27453 Filed 9-18-81; 8:45 am]  
 BILLING CODE 7590-01-M

[Docket No. 50-259]

### Tennessee Valley Authority; Issuance of Amendment of Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Facility Operating License No. DPR-33 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Brown Ferry Nuclear Plant, Unit No. 1 (the facility) located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment (1) incorporates the limiting conditions for operation of the facility in the fifth fuel cycle following the current refueling outage, (2) reflects new primary containment atmospheric monitoring instrumentation installed during this outage and (3) reflects modifications which the Commission required to be made to the torus.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 29, 1981, as supplemented by letters dated June 12, 1981 and July 13, 1981, (2) Amendment No. 76 to License No. DPR-33, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained

upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

For the Nuclear Regulatory Commission.  
**Thomas A. Ippolito,**  
*Chief, Operating Reactors Branch No. 2,*  
*Division of Licensing.*  
 [FR Doc. 81-27454 Filed 9-18-81; 8:45 am]  
 BILLING CODE 7590-01-M

### Annual Compilation of Systems of Records

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Annual compilation of systems of records.

**SUMMARY:** In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), the Nuclear Regulatory Commission (NRC) hereby published its annual compilation of Systems of Records Notices. This compilation includes 38 Systems of Records as well as the Prefatory Statement of General Routine Uses. Minor changes in style have been made to assure consistency among the identical provisions of each system.

**FOR FURTHER INFORMATION CONTACT:** Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-8133.

### NRC SYSTEMS OF RECORDS

1. Appointment and Promotion Certification Records-NRC
2. Biographical Information Records-NRC
3. Byproduct Material License Records-NRC
4. Conflict of Interest Files-NRC
5. Contracts Records Files-NRC
6. Development and Advancement for Regulatory Employees (DARE) Records-NRC
7. Division of Technical Information and Document Control Workload Assignment and Production Records-NRC
8. Employee Appeals, Grievances and Compliant Records-NRC
9. Equal Employment Opportunity Records Files-NRC
10. Freedom of Information Act (FOIA) and Privacy Act (PA) Requests Records-NRC
11. General Personnel Records (Official Personnel Folder and Related Records)-NRC
12. Government Motor Vehicle Operators License Files-NRC
13. Incentive Awards Files-NRC
14. Employee Alcoholism and Drug Abuse Program Files-NRC
15. National Standards Committee Membership Files-NRC
16. Facility Operator Licensees Record Files (10 CFR Part 55)-NRC
17. Occupational Injuries and Illness Records-NRC

18. Office of Inspector and Auditor Index File and Associated Records-NRC
19. Official Personnel Training Records Files-NRC
20. Official Travel Records-NRC
21. Payroll Accounting Records-NRC
22. Personnel Performance Appraisals-NRC
23. Personnel Research and Test Validation Records-NRC
24. Property and Supply System (PASS)-NRC
25. Oral History Program-NRC
26. REVOKED
27. Radiation Exposure Information and Reports System (REIRS) Files-NRC
28. Recruiting, Examining and Placement Records-NRC
29. Document Control System-NRC
30. Manpower System (MPS) Records-NRC
31. Correspondence and Records Branch, Office of the Secretary-NRC
32. Source and Special Nuclear Material License Records-NRC
33. Special Inquiry File-NRC
34. Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records-NRC
35. REVOKED
36. Employee Locator Records Files-NRC
37. Information Security Files and Associated Records-NRC
38. Mailing Lists-NRC
39. Personnel Security Files and Associated Records-NRC
40. Facility Security Support Files and Associated Records-NRC

These systems of records are those systems maintained by the Nuclear Regulatory Commission which contain personal information about individuals, and from which such information can be retrieved by reference to an individual identified.

The notice for each system of records states the name and location of the record system, the authority for a manner of its operation, the categories of individuals which it covers, the types of records which it contains, the sources of information in those records, and the proposed "routine uses" of each system of records. Each notice also includes the business address of the NRC official who will inform interested persons of the procedures whereby they may gain access to and correct records pertaining to themselves.

One of the purposes of the Privacy Act, as stated in Section 2(b)(4), is to provide certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to "disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information." The NRC intends to follow such principles in transferring information to another agency or individual as a "routine use,"

including assuring that the information is relevant for the purposes for which it is transferred.

#### Prefatory Statement of General Routine Uses

The following routine uses apply to each system of records notice set forth below which specifically references this Prefatory Statement:

1. In the event that a system of records maintained by the NRC to carry out its functions indicates a violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rules or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local or foreign agency, if necessary, to obtain information relevant to an NRC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local or foreign agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of discovery and in presenting evidence to a court, magistrate, administrative tribunal, or grand jury, including disclosures to opposing counsel in the course of settlement negotiations.

5. Disclosure may be made, as a routine use, to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

6. A record from this system of records may be disclosed, as a routine use, to an NRC contractor on a "need to know" basis for a purpose within the

scope of the pertinent NRC contract. Such access will be granted to an NRC contractor by a system manager only after satisfactory justification has been provided to the system manager.

#### NRC-1

##### SYSTEM NAME:

Appointment and Promotion Certificate Records—NRC.

##### SYSTEM LOCATION:

Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates for employment and NRC employees who are being considered for promotion and reassignment.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains personnel qualification statements, vacancy announcements, applications for vacancies, selection certificates, the results of reference checks on employees, performance appraisals, and related records. The records pertain to specific announced vacancies which have been posted in accordance with the NRC Vacancy Announcement System.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

- a. 5 U.S.C. 1302(1976);
- b. 42 U.S.C. 2201(d)(1976).

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

- a. To prepare reports for the Office of Personnel Management and/or Merit Systems Protection Board;
- b. By the Office of Personnel Management and/or Merit Systems Protection Board to resolve complaints and grievances regarding employment and promotion selection;
- c. For audit and review by the Office of Personnel Management and/or Merit Systems Protection Board;
- d. For any of the routine uses specified in the Prefatory Statement.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records maintained in file folders in the Records Retention Center, St. Louis, Missouri. Microfiche records are kept in the Division of Organization and Personnel.

**RETRIEVABILITY:**

Information is accessed by vacancy announcement number, and by name within the individual vacancy announcement folders.

**SAFEGUARDS:**

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained for 2 years from date of selection, then personal records destroyed by shredding; nonpersonal records are destroyed through regular trash disposal system.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Personnel Operations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedures."

**RECORD SOURCE CATEGORIES:**

Individual on whom the record is maintained, individual's current and previous supervisors, references, general personnel records (Official Personnel Folders and related records), and other Federal agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-2****SYSTEM NAME:**

Biographical Information Records—NRC.

**SYSTEM LOCATION:**

Office of Public Affairs, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Commissioners, members of the Atomic Safety and Licensing Board and Appeal Board Panels, and senior NRC staff members.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information relating to education and training, employment history, and other general biographical data relating to the Commissioner, members of the Atomic Safety and Licensing Board and Appeal Board Panels, and senior NRC staff members.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

a. 42 U.S.C. 2241, 5841, 5843(a), 5844(a), 5845(a), and 5849(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. To provide information to the press;
- b. To provide information to other persons and agencies requesting this information; and
- c. For the routine uses specified in paragraph numbers 5 and 6 of the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records are maintained in file folders.

**RETRIEVABILITY:**

Records are accessed by name.

**SAFEGUARDS:**

Maintained in unlocked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained until updated or association with NRC is discontinued, then destroyed through regular trash disposal system.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Public Affairs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records is provided by each individual and

approved for use by the individual involved.

**NRC-3****SYSTEM NAME:**

Byproduct Material License Records—NRC.

**SYSTEM LOCATION:**

Primary system—Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2; and the NIH Computer facility, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants and licensees (active and inactive) for byproduct material licenses.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information contained in this system reflects data supplied by applicants and licensees and developed by the NRC staff in the license review and authorization process with respect to the possession and use of byproduct material. System component records developed and maintained by the NRC staff also include summary and index type data promoting quick access to and breakout of such information as:

- a. Alphabetical listings of active and inactive licenses and applicants for licenses arranged by state and by a master listing;
- b. Cross indexes of names to assigned license numbers;
- c. Dates of license issuance and expiration; and
- d. Geographic location of licensees by state and town.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2201(o)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. To provide records to state health departments for their information and use;
- b. To provide information to Federal, state and local health officials, and other persons in the event of incident or exposure, for purposes of their information, investigation and protection of public health and safety; and

c. For any of the routine uses specified in the Prefatory Statement.

In addition, certain of the information provided in this category is routinely placed in the NRC's Public Document Room.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on paper, index cards, computer tapes and printouts, microfilm and mag cards.

**RETRIEVABILITY:**

System data is indexed by licensee/applicant name within state; alphabetically by licensee name within license expiration time periods; by assigned license number in juxtaposition with licensee name.

**SAFEGUARDS:**

Maintained in unlocked file cabinet under visual control of file supervisor. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Records are continuously changed or amended as new information is developed or individual licenses are cancelled or terminated; license files are transferred to Federal Records Center in Suitland, Maryland, when they become inactive or terminated. Obsolete data, except for record copy maintained at Federal Records Center, is destroyed quarterly through regular trash disposal system.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Data supplied by applicants and licensees and developed by NRC technical staff.

**NRC-4**

**SYSTEM NAME:**

Conflict of Interest Files—NRC.

**SYSTEM LOCATION:**

Primary system—Office of the General Counsel, NRC, 1717 H Street, NW, Washington, DC.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are employees, special employees and consultants of NRC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information relating to:

a. General biographical data (i.e., name, birthdate, home address, position title, home and business telephones, citizenship, educational history, employment history, professional society memberships, honors, fellowships received, publications, licenses, and special qualifications);

b. Financial status (i.e., nature of financial interests and in whose name held, creditors, character of indebtedness, interest in real property, monthly U.S. Civil Service Annuity, and status as Uniformed Services Retired Officer);

c. Certifications by employees that they and members of their families are in compliance with the Commission's stock ownership regulations;

d. Requests for approval of outside employment by NRC employees and NRC responses thereto;

e. Determination (i.e., no conflict or apparent conflict of interest, questions requiring resolution, steps taken toward resolution); and

f. Information pertaining to appointment (i.e., proposed period of NRC service, estimated number of days of NRC employment during period of service, proposed pay, clearance status, description of services to be performed and explanation of need for the services, justification for proposed pay, description of expenses to be reimbursed and dollar limitation, and description of government-owned property to be in possession of appointee);

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

- a. 18 U.S.C. 201(1976);
- b. Executive Order 11222, May 8, 1965;
- c. 10 CFR 0.735-29; 10 CFR 0.735-40.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. General biographical data (i.e., name, birthdate, home address, position title, home and business telephones,

citizenship, educational history, employment, history, professional society memberships, honors, fellowships received, publications, licenses, and special qualifications);

b. To provide the Department of Justice, Office of Personnel Management, and/or Merit Systems Protection Board with information concerning an employee in instances where this office has reason to believe a Federal law may have been violated or where this office desires the advice of the Department, Office or Board concerning potential violations of Federal law;

c. Determination (i.e., no conflict or apparent conflict of interest, questions requiring resolution, steps taken toward resolution); and

d. Information pertaining to appointment (i.e., proposed period of NRC service, estimated number of days of NRC employment during period of service, proposed pay, clearance status, description of services to be performed and explanation of need for the services, justification for proposed pay, description of expenses to be reimbursed and dollar limitation, and description of government-owned property to be in possession of appointee).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records are maintained in file folders.

**RETRIEVABILITY:**

Records are accessed by name.

**SAFEGUARDS:**

Maintained in locked file cabinets.

**RETENTION AND DISPOSAL:**

Retained in office file for 2 years after employee leaves position in which statement is required, or for 2 years after separation, whichever is earlier, then forwarded to the Federal Records Center, Suitland, Maryland.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, or comes from the office to which the individual is to be assigned.

**NRC-5****SYSTEM NAME:**

Contracts Records Files—NRC.

**SYSTEM LOCATION:**

Primary system—Division of Contracts, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.  
Duplicate systems—duplicate systems exist, in whole or in part, at locations listed in Addendum I, Parts 1 and 2.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are employed as NRC consultants or contractors.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain personal information (such as technical qualifications, education, rates of pay, employment history) of contractors and their employees, and other contracting records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2051, 2201, and 5845 (1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:  
a. To provide information to Department of Health and Human Services, Defense Contract Audit Agency, General Accounting Office, and other Federal agencies for audits and reviews; and  
b. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Accessed by contract number and purchase order number, cross-referenced with the name of the consultant, contractor, or vendor.

**SAFEGUARDS:**

Maintained in unlocked conserver files. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Contracts greater than \$10,000 are destroyed 6 years and 6 months after final payment; \$10,000 or less—3 years after final payment. Records are destroyed through regular trash disposal system, except for confidential business (proprietary) information which is destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Contracts, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal confidential business (proprietary) information.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from the contractor or potential contractor.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-6****SYSTEM NAME:**

Development and Advancement for Regulatory Employees (DARE) Records—NRC.

**SYSTEM LOCATION:**

Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees who desire to enhance their training and experience qualifications for movement into administrative, paraprofessional and professional ranks.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains personnel qualification statements, job

descriptions, self-evaluation forms, examination results, supervisory evaluation forms, performance appraisals, DARE counselors' reports, training guides, course plans, and related correspondence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

a. 42 U.S.C. 2000e and 5871 (1976);  
b. Executive Order 11478, August 8, 1969.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:  
a. To prepare reports for transmittal to the Office of Personnel Management and/or Merit Systems Protection Board;  
b. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records maintained in file folders.

**RETRIEVABILITY:**

Information accessed by name.

**SAFEGUARDS:**

Records are maintained in locked desk drawer and access is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**RETENTION AND DISPOSAL:**

Active records retained indefinitely. Inactive records are sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service and records of non-selected applicants retained up to 1 year, then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

DARE Program Coordinator, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent such

disclosure would compromise the testing process.

#### CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

#### RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, individual's current and previous supervisors within and outside NRC, and the DARE counselors and program coordinator.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5) and (6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

#### NRC-7

##### SYSTEM NAME:

Division of Technical Information and Document Control Workload Assignment and Production Records—NRC.

##### SYSTEM LOCATION:

Primary system—Division of Technical Information and Document Control, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (a), (b), (e), (f), and (g).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees assigned to work processing and printing/reproduction and graphic units.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain, under employee name, listings of work assignments and individual production records.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 21, 22, 24, 49, 54, and 66a(1976); 42 U.S.C. 2201(1976).

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used by the Division of Technical Information and Document Control for any of the routine uses specified in the Prefatory Statement.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Maintained on paper and log sheets,

##### RETRIEVABILITY:

Indexed by employee name within period reports.

##### SAFEGUARDS:

Files relating to comparative employee production and analysis thereof are maintained in locked cabinets. Budgetary and staffing projection data maintained in locked and unlocked equipment. All files under immediate control of supervisory staff.

##### RETENTION AND DISPOSAL:

Records are retained in office files for 2 years, and then destroyed by regular trash disposal system.

##### SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

##### CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

##### RECORD SOURCE CATEGORIES:

Individual employees; supervisory assignment and analysis records.

#### NRC-8

##### SYSTEM NAME:

Employee Appeals, Grievances and Complaints Records-NRC.

##### SYSTEM LOCATION:

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at locations listed in Addendum I, Parts 1 and 2.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for NRC employment, current and former NRC employees, and annuitants who have filed complaints or initiated grievance or appeal proceedings as a result of a determination made by the NRC, Office of Personnel Management and/or Merit Systems Protection Board, or a Board or

other entity established to adjudicate such grievances and appeals.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Includes all documents related to grievances, arbitrations, negative determinations regarding within-grade salary increases and exit interviews. It contains information relating to determinations affecting individuals made by the NRC, Office of Personnel Management and/or Merit Systems Protection Board. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, instructions to an NRC office or division concerning action to be taken to comply with decisions, and related correspondence, opinions, and recommendations.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201(d)(1976).

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To furnish information to the Office of Personnel Management and/or Merit Systems Protection Board pursuant to applicable requirements relative to grievances and appeals;

b. To provide appropriate data to union representatives and third parties in connection with grievances, arbitration actions and appeals. Third parties may include the Federal Service Impasses Panel and Federal Labor Relations Authority; and

c. For any of the routine uses specified in the Prefatory Statement.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

These records are maintained in file folders, binders, and index cards.

##### RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

##### SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained 3 years after case is closed, then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Labor Management and Employee Relations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Individuals to whom the record pertains; NRC Office of Personnel Management and/or Merit Systems Protection Board officials; affidavits or statements from employees, union representative, or other persons; testimony of witnesses; and official documents relating to the appeal, grievance or complaint; Official Personnel Folder; and other Federal agencies.

**NRC-9****SYSTEM NAME:**

Equal Employment Opportunity Records Files-NRC.

**SYSTEM LOCATION:**

Office of Equal Employment Opportunity, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEMS:**

Applicants for NRC employment and current and former NRC employees who have filed a complaint of discrimination with the Office of Equal Employment Opportunity or the Equal Employment Opportunity Officer.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains copies of written reports by counselors; the investigative file; documentation of withdrawn, cancelled, rejected and/or adjusted discrimination complaints; complainant's name, title and grade; kind of discrimination alleged; description of action, decision, or condition giving rise to the complaint; description of remedial action; description of disciplinary action, if any;

and copy of the letter of proposed disposition of the complaint and right to a hearing; and record of appeals examiner's finding, analysis, and recommended decision.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

a. 42 U.S.C. 2000e and 5891(1976);  
b. Executive Orders 11246, September 24, 1965; 11375, October 13, 1967, and 11478, August 8, 1969.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. To furnish information relative to EEO matters to the Office of Personnel Management and/or Merit Systems Protection Board in accordance with applicable requirements; and  
b. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders, binders, index cards, and on computer tapes (minority code only).

**RETRIEVABILITY:**

Accessed by name.

**SAFEGUARDS:**

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Equal Employment Opportunity, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Individual to whom the record pertains, counselors, NRC, Office of Personnel Management and/or Merit Systems Protection Board officials,

affidavits or statements from employees, testimony of witnesses, and official documents relating to the complaints.

**SYSTEMS EXEMPTED FOR CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-10****SYSTEM NAME:**

Freedom of Information Act (FOIA) and Privacy Act (PA) Requests Records-NRC.

**SYSTEM LOCATION:**

Primary system—Division of Rules and Records, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2, and at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have made FOIA or PA requests for NRC records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 552 and 552a(1976); 42 U.S.C. 2201(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. If an appeal or Court suit is filed with respect to any records denied;  
b. For preparation of annual reports required by 5 U.S.C. 552 and 5 U.S.C. 552a; and  
c. For any of the routine uses specified in the Prefatory Statement.

Most of the FOIA records are placed in the NRC Public Document Room and made available to the public.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Accessed by chronologically assigned number and individual name.

**SAFEGUARDS:**

Privacy Act records are maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access. Copies of most of the FOIA records are publicly available in the NRC Public Document Room.

**RETENTION AND DISPOSAL:**

Retained 2 years from date of reply if request is granted, 5 years if denied, and 4 years if appealed. Except for classified, proprietary, and other sensitive information which is destroyed by shredding, records are disposed of through regular trash disposal system.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Requests are made by individuals or other requesters. The response to the request is based upon information contained in NRC records.

**NRC-11****SYSTEM NAME:**

General Personnel Records (Official Personnel Folder and Related Records)—NRC.

**SYSTEM LOCATION:**

Primary systems—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Duplicate systems exist, in whole or in part, at the locations listed in Adendum I, Part 1 and 2; at the Department of Energy computer facility, Germantown, Maryland; and at the National Institutes of Health computer facility, Bethesda, Maryland. The duplicate systems maintained in a particular office, division, or branch may contain information of specific applicability to employees in that organization in addition to that information contained in the primary system.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current NRC employees, consultants, and those formerly employed by the NRC (death, resignation, retirement, and separation).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information about an individual's birth date, social security account number, veteran preference status, tenure, physical handicaps, past and present salaries, grades, position titles, training, test performances, minority group designator, life insurance, health benefits, beneficiaries, personnel performance appraisals, the results of reference checks, probationary period appraisals, and awards. Some folders in the primary system may contain medical records in sealed brown envelopes (i.e., participation in occupational health services program, capability to perform position duties, etc.). This system also contains letters of commendation and reprimand, documentation of charges and decisions on charges, notices of reductions-in-force, locator files; information related to personnel actions, including but not limited to appointment, reassignment, demotion, detail, promotion, transfer, and separation; and data documenting the reasons for personnel actions or decisions made about an individual related to the status of the individual. Some duplicate records may also contain office-related employee performance evaluations, office-specific applications, personnel qualification statements (SF-171), résumés and applicant evaluations and conflict of interest correspondence, and other related personnel records in addition to those contained in the primary system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

- a. 5 U.S.C. 7901; 21 U.S.C. 1180; and 42 U.S.C. 2201(d) and 4561(1976);
- b. Executive Order 10561, September 15, 1954.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. By the Office of Personnel Management and/or Merit Systems Protection Board for making a decision when an NRC employee or former NRC employee questions the validity of a specific document in an individual's record;
- b. To provide information to a prospective employer of a Government employee. Upon transfer of the employee to another Federal agency, the

information is transferred to such agency;

c. To update the Office of Personnel Management systems concerning the Central Personnel Data File (CPDF), the Executive Inventory File and security investigations index hires, and to update adverse actions and terminations records of the Merit Systems Protection Board;

d. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force;

e. To provide information to the Office of Personnel Management and/or Merit Systems Protection Board for review and audit purposes;

f. To provide members of the public with the names, position titles, grades, salaries, appointments (temporary or permanent), and duty stations of employees;

g. Medical records may be used for providing information to the Public Health Service in connection with Health Maintenance Examinations and to other Federal agencies responsible for Federal benefit programs administered by the Department of Labor (Office of Workmen's Compensation Programs) and the Office of Personnel Management; and

h. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders, magnetic tape, disk, punched cards and microfilm.

**RETRIEVABILITY:**

Records are indexed by any combination of name, birth date, social security account number, or identification number.

**SAFEGUARDS:**

Maintained in locked and unlocked file cabinets and electro-mechanical file organizer. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

The Official Personnel Folder is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed by shredding when an individual resigns, transfers, or is

separated from the Federal service. SF-7, "Service Record Card," retained indefinitely after separation or transfer.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Personnel Operations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent that disclosure would compromise the testing process.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from the individual to whom it applies, is derived from information supplied by that individual, or is provided by agency officials, other Federal agencies, or persons, including references, private and Federal physicians, and medical institutions.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(5) and (6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-12**

**SYSTEM NAME:**

Government Motor Vehicle Operators License Files-NRC.

**SYSTEM LOCATION:**

Primary system—Building and Operations Support Branch, Division of Facilities and Operations Support, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland. Duplicate systems—duplicate systems exist, in whole, or in part, at the locations listed in Addendum I, Part 2.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC Headquarters and Regional Office employees licensed to drive government vehicles.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain identifying data on individuals, including but not limited to name, social security account number, hair color, and sex.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

- a. 40 U.S.C. 491 (1976);
- b. Executive Order 10579, December 1, 1954.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The records may be used for any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on index cards and on paper in file folders.

**RETRIEVABILITY:**

Indexed alphabetically by employee name.

**SAFEGUARDS:**

Maintained in locked file cabinets under control of supervisors. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained for 3 years or until cancellation of individual license, whichever comes first, then destroyed through regular trash disposal system.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Building and Operations Branch, Division of Facilities and Operations Support, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Individuals on whom the record is maintained and medical examiners.

**NRC-13**

**SYSTEM NAME:**

Incentive Awards Files-NRC.

**SYSTEM LOCATION:**

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees who merit special recognition for achievements either within or outside the employee's job responsibilities and for length of service to the Government. Awards include both NRC awards and awards of other agencies and organizations for which NRC employees are eligible.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains employee's name, title, grade, and salary; justification to support recommendation and authorization for cash award; actions by approving officials; record of individuals receiving awards; suggestions and evaluations of suggestions; citation to be used; and related correspondence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

- 5 U.S.C. 4501-4506, 5336 (1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. By the Office of Personnel Management and/or Merit Systems Protection Board to process and approve nominations or awards;
- b. By the Office of the Attorney General and the President of the United States in reviewing recommended awards;
- c. To make reports to the Office of Personnel Management and/or Merit Systems Protection Board;
- d. By other government agencies to recommend whether suggestions should be adopted in instances where the suggestion made by an NRC employee affects the functions or responsibilities of the agencies; and
- e. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on paper in file folders.

**RETRIEVABILITY:**

Information is accessed by name.

**SAFEGUARDS:**

Maintained in unlocked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained for 2 years, then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Labor Management and Employee Relations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Supervisors of employees, individuals submitting suggestions, Division of Organization and Personnel staff, Office of Personnel Management, Merit Systems Protection Board, other Federal agencies, and Official Personnel Folders.

**NRC-14****SYSTEM NAME:**

Employee Alcoholism and Drug Abuse Program Files-NRC.

**SYSTEM LOCATION:**

Office of Administration, U.S. Nuclear Regulatory Commission, 7735 Old Georgetown Road, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees and/or family members who have been counselled by or referred to the Manager of the Employee Alcoholism and Drug Abuse Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains records of NRC employees and/or their families who have been referred to the manager of the Employee Alcoholism and Drug Abuse Program for counselling, and the results of any counselling which may have taken place. The records contain information as to the nature of each individual's problem, progress, and subsequent treatment.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

21 U.S.C. 1180 (1972); 42 U.S.C. 4561 (1970).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. For statistical reporting purposes; and
- b. Any disclosure of information pertaining to an individual will be made in compliance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulation, 42 CFR Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained on paper in file folders.

**RETRIEVABILITY:**

Information accessed by name of the individual counselled.

**SAFEGUARDS:**

Files are maintained in a safe under the immediate control of the Manager of the Employee Alcoholism and Drug Abuse Program.

**RETENTION AND DISPOSAL:**

Retained for 3 years after successful completion of treatment or other termination of contact, then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Manager, Employee Alcoholism and Drug Abuse Program, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information compiled by the Manager of the Employee Alcoholism and Drug Abuse Program during the course of counselling with an NRC employee and/or members of the employee's family.

**NRC-15****SYSTEM NAME:**

National Standards Committee Membership Files—NRC.

**SYSTEM LOCATION:**

Primary system—Office of Nuclear Regulatory Research, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—Duplicate systems exist, in whole or in part, at the National Institutes of Health Computer Facility, c/o the Office of Management and Program Analysis located in the Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees who are serving on committees, subcommittees, working groups, etc., that are developing nuclear standards.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system is a comprehensive record of NRC personnel on the nuclear standards committees and contains members' names, the names of the committees to which they belong, and the names of the NRC offices in which the members work.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2201(b)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records may be used:

- a. To provide information to persons or agencies requesting this information, including but not limited to: (1) Persons using the NRC Public Document Room, and (2) the Department of Energy RDT Standards Office of Oak Ridge National Laboratory (ORNL), Oak Ridge, Tennessee. ORNL uses this information as part of a document entitled, "Personnel Involved in the Development of Nuclear Standards in the United States" and the National Technical Information Service, Department of Commerce, sells this document to the public.
- b. For the routine use specified in paragraph No. 5 of the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained on lists and computer tape and disk.

**RETRIEVABILITY:**

Records are indexed by the individual's name, by individual's office or region and by the committee title.

**SAFEGUARDS:**

Maintained in unlocked file cabinet.

**RETENTION AND DISPOSAL:**

Updated when information is out of date. The information is retained until

the person is no longer a member of the committee or no longer an NRC employee, whichever occurs first.  
Destroyed by computer deletion.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from the individual to whom it applies or from his/her supervisor.

**NRC—16**

**SYSTEM NAME:**

Facility Operator Licensees Record Files (10 CFR Part 55)—NRC.

**SYSTEM LOCATION:**

Primary system—Operating Licensing Branch, Division of Project Management, Office of Nuclear Reactor Regulation, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the Department of Energy, Germantown, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals licensed pursuant to 10 CFR Part 55, new applicants whose applications are being processed, and individuals whose licenses have expired.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information relating to the application for a license, certification of competency, certification of medical history and results of medical examination and related correspondence, operator examination and examination results and license or denial letter.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2137 and 2201(i)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. To determine if the individual meets the requirements of 10 CFR Part

55 to take an examination or to be issued an operator's license;

b. To provide researchers with information for statistical evaluations related to selections, training and examination of facility operators;

c. To provide for examination and testing material and obtain results from contractors;

d. To provide facility management with sufficient information to enroll the individuals in the licensed operator requalification program; and

e. For any of the routine uses specified in the Prefatory Statement, except paragraph number 3.

In addition, information related to the application, certification of competency, and license or denial letter will routinely be made available in the NRC's Public Document Room.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on index cards and paper in file folders.

**RETRIEVABILITY:**

Records are accessed by name and docket number.

**SAFEGUARDS:**

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Reactor Operator Licensees Records:  
a. Medical information: retained for 4 years after the individual's license expires, then destroyed;

b. Examination and examination results: retained for 2 years after the issuance of a license or denial letter. A summary report is retained until 4 years after the individual's license expires;

c. Other information: destroyed when it becomes 2 years old;

d. Docket information: destroyed 4 years after an individual's latest license expires.

Records are destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Operator Licensing Branch, Division of Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system comes from the individual applying for a license, the facility manager, a licensed physician, members of the Operator Licensing Branch, and contractor personnel.

**NRC—17**

**SYSTEM NAME:**

Occupational Injuries and Illness Reports—NRC.

**SYSTEM LOCATION:**

Primary system—Building and Operations Branch, Division of Facilities and Operations Support, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the location listed in Addendum I, Part 1(c).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees who report an occupational injury or illness.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain descriptions of injury or illness, treatment, and disposition.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

a. 29 U.S.C. 657(c)(1976);

b. Executive Order 11807, September 28, 1974.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. By the NRC Safety Officer and/or Branch supervisor, to prepare periodic statistical reports on employees' health and injury status and health and safety hazards in NRC physical structures, all for transmission to and review by the Department of Labor;

b. For transmittal to the Secretary of Labor or an authorized representative in accordance with duly promulgated regulations;

c. For transmittal to the Office of Personnel Management and/or Merit Systems Protection Board as required to support individual claims; and

d. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on paper in file folders.

**RETRIEVABILITY:**

Indexed by assigned employee case number or name under report category.

**SAFEGUARDS:**

Maintained in locked file cabinet under visual control of section employees. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained for 5 years after date of report, then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Same as "System manager."

**RECORD ACCESS PROCEDURES:**

Same as "System manager."

**CONTESTING RECORD PROCEDURES:**

Same as "System manager."

**RECORD SOURCE CATEGORIES:**

NRC Public Health Unit, NRC Headquarters and Regional Office feeder reports and forms with original information largely supplied by employees concerned.

**NCR-18****SYSTEM NAME:**

Office of Inspector and Auditor Index File and Associated Records—NRC.

**SYSTEM LOCATION:**

Office of Inspector and Auditor, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals referred to in potential or actual cases and matters of concern to the Office of Inspector and Auditor and correspondents on subjects directed or referred to the Office of Inspector and Auditor.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system consists of an alphabetical index file bearing individual names. The index provides access to associated records which are arranged by subject matter, title, or identifying number(s) and/or letter(s). The system incorporates the records of all Office of Inspector and Auditor correspondence, cases, matters, memoranda, and materials, including but not limited to audit reports, investigative reports, inspection reports; correspondence to and from the Office

of Inspector and Auditor, memoranda, legal papers, evidence, exhibits, audit data, investigative data, and work papers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2035(c), 2201(c), and 5841(f)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

a. A record in the system of records may be disclosed as a routine use to a Federal, state, local or foreign agency or to an individual or organization if the disclosure is reasonably necessary to elicit information or to obtain the cooperation of a witness or an informant;

b. A record in the system of records relating to a case or matter falling within the purview of the Office of Inspector and Auditor that has been referred for audit, inspection or investigation may be disclosed as a routine use to the referring agency, group, organization or individual to notify such agency, group, organization or individual of the status of the case or matter or of any decisions or determinations that have been made;

c. A record in the system of records relating to an individual held in custody pending arraignment, trial, or sentence, or after conviction, may be disclosed as a routine use to a Federal, state, local or foreign prison, probation, parole or pardon authority, to any agency or individual concerned with the maintenance, transportation, or release of such an individual;

d. A record in the system of records relating to a case or matter may be disclosed as a routine use to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

e. A record in the system of records may be disclosed as a routine use to a Federal, state, local or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

f. A record in the system of records in the nature of an audit, inspection or investigation report relating to the integrity and efficiency of the Commission operation and management may be disseminated outside the Commission as part of the Commission's responsibility to inform the Congress and the public about Commission operations; and

g. A record in the system of records may be disclosed for any of the routine

uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Information contained in this system is stored manually on index cards and in file jackets.

**RETRIEVABILITY:**

Information is retrieved from index cards by the name of the individual and from the jackets by number(s) and/or letter(s) assigned and appearing on the index card.

**SAFEGUARDS:**

The index is maintained in unlocked file cabinets and the associated records are located in lockable metal filing cabinets or safes. All records are under visual control during normal working hours, available only to authorized personnel whose duties require access, and stored in a room that is locked after normal working hours.

**RETENTION AND DISPOSAL:**

Retained 10 years in NRC storage from the time the case is closed, then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Inspector and Auditor, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Information classified pursuant to Executive Order 12065 will not be disclosed. Information received in confidence will not be disclosed to the extent that disclosure would reveal a confidential source.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

The information in this system of records is obtained from sources including, but not limited to, NRC officers and employees, Federal, state, local, and foreign agencies, and persons.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(5), and (k)(6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The

exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

#### **NRC—19**

##### **SYSTEM NAME:**

Official Personnel Training Records Files—NRC.

##### **SYSTEM LOCATION:**

Primary system—Management Development and Training Staff, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1(a), (b), (c), (d), (e), (f), and (g), and Part 2.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have applied for or were selected for either NRC or other government/non-government training courses or programs, including the NRC Senior Executive Service Candidate Development Program.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information relating to the individual's educational background, work experience, performance appraisals, and training courses, including applications for training, training requests, authorizations for training, course grades, evaluations and other related personnel information and correspondence.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

a. 5 U.S.C. 4103(1976), 3396 (October 13, 1978), and 4311 et seq. (1978);

b. Executive Order 11348, April 20, 1967, as amended by Executive Order 12107, December 28, 1978.

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

a. Information may be extracted from the records and made available to the Office of Personnel Management; other Federal, state and local government agencies; and educational institutions for use in training programs related to NRC employees; and

b. Information in these records may be disclosed for the routine uses specified in paragraph numbers 5 and 6 of the Prefatory Statement.

##### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Maintained on paper in file folders.

##### **RETRIEVABILITY:**

Information is accessed by name.

##### **SAFEGUARDS:**

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

##### **RETENTION AND DISPOSAL:**

Retained for 5 years, or until no longer needed, then destroyed by shredding.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Director, Management Development and Training Staff, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### **NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### **RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

##### **CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

##### **RECORD SOURCE CATEGORIES:**

Information is provided by the individual to whom it applies, the employee's supervisor, and training groups, agencies, or educational institutions.

#### **NRC—20**

##### **SYSTEM NAME:**

Official Travel Records—NRC.

##### **SYSTEM LOCATION:**

Primary system—Office of the Controller, NRC, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2; and at the NIH computer facility, Bethesda, Maryland.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees, prospective NRC employees, consultants, and invitational travelers for NRC programs.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain Request and Authorization for Official Travel forms, Travel Advance Worksheet, Travel Vouchers and Vouchers for Professional Service, Travel and Miscellaneous Expenses from consultants.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

a. 5 U.S.C. 5701(1976); 31 U.S.C. 21, 22, 24, 49, 54, 68a, and 952(1976);

b. Federal Travel Regulations, Federal Property Management Regulations, 41 CFR Part 101-7.

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. For transmittal to the U.S. Treasury for payment;

b. For transmittal to the Department of State or an embassy for passports or visas;

c. For quarterly report to the General Services Administration of individuals approved for first class travel; and

d. For any of the routine uses specified in the Prefatory Statement.

##### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Maintained on paper in file folders, on disks, and on magnetic tape.

##### **RETRIEVABILITY:**

Records are accessed by name, social security account number, authorization number, estimated travel start day, authorization process day, voucher process day, and voucher payment schedule number.

##### **SAFEGUARDS:**

Maintained in locked file cabinets in same room as users. For ADP records, a key work, initials, and NRC Office of the Controller's account number must be known in order to retrieve information.

##### **RETENTION AND DISPOSAL:**

Retained for 3 years, then destroyed through regular trash disposal system.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Controller, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### **NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### **RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

##### **CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

##### **RECORD SOURCE CATEGORIES:**

Information is provided by the individual, the organizational component approving the travel, outside transportation agents and rate books for cost information.

**NRC-21****SYSTEM NAME:**

Payroll Accounting Records—NRC.

**SYSTEM LOCATION:**

Primary system—Office of the Controller, NRC, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Pay, leave, and allowance histories.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 21, 22, 24, 49, 54, 66a, and 952(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes;

b. For reporting tax withholding to Internal Revenue Services and appropriate state and local taxing authorities;

c. For FICA deductions to the Social Security Administration;

d. For dues deductions to labor unions;

e. For withholdings for health insurance to the insurance carriers and the Office of Personnel Management;

f. For charity contribution deductions to agents of charitable institutions;

g. For annual W-2 statements to taxing authorities and the individual;

h. For transmittal to the Office of Management and Budget for review of budget requests;

1. For withholding and reporting of retirement, reemployed annuitants and life insurance information to the Office of Personnel Management;

j. For transmittal of information to state agencies for unemployment purposes; and

k. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folders, microfiche, magnetic tape, and disks.

**RETRIEVABILITY:**

Accessed by name and social security account number.

**SAFEGUARDS:**

File folders, microfiche, tape, and disks, including backup data, are maintained in locked cabinets in secured locked rooms after working hours. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

File folders are retained for 4 years after transfer or separation of employee, then destroyed by shredding. ADP information is retained on disks for 1 year, transferred to and retained on magnetic tape for 3 years, then the tape is erased.

**SYSTEM MANAGER(S) AND ADDRESS:**

Controller, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information is provided by the individual and the Division of Organization and Personnel.

**NRC-22****SYSTEM NAME:**

Personnel Performance Appraisals—NRC: Part A, GG-15 employees and below; Part B, Senior Executive Service and equivalent employees.

**SYSTEM LOCATION:**

Part A: Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Part B: Chairman, Performance Review Board, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains evaluations of employees, evaluation criteria and methods, supervisory appraisals of performance and career development potential, and other related records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 4311, et seq. and 42 U.S.C. 2201(d)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The records may be used for any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained on paper in the folders.

**RETRIEVABILITY:**

Records are accessed by name.

**SAFEGUARDS:**

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Part A: Retained 1 year, or until subsequent rating is prepared, whichever is later.

Part B: Retained for 5 years, or until the fifth annual appraisal is completed, whichever is later.

**SYSTEM MANAGER(S) AND ADDRESS:**

Part A: Chief, Personnel Operations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Part B: Chairman, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure" for each part.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure" for each part.

**RECORD SOURCE CATEGORIES:**

Part A: Individual to whom record pertains and employee's supervisors.

Part B: Individual to whom record pertains and employee's supervisors; any documents and sources used to develop critical elements and performance standards for that Senior Executive Service position.

**NRC-23****SYSTEM NAME:**

Personnel Research and Test Validation Records—NRC.

**SYSTEM LOCATION:**

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the Department of Energy computer facility, Germantown, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees and applicants for NRC employment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records include education and employment history, test scores, responses to test items and questionnaires, interview data and ratings of supervisors regarding the individuals to whom the records pertain. Data are collected on a project basis and are used for the construction, analysis and validation of written tests; for research on personnel measurement and selection methods and techniques, and research on personnel management practices such as performance evaluation or productivity.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2201(d)(1976) and 44 U.S.C. 3101(1970).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. To exchange between the NRC, Office of Personnel Management, Merit Systems Protection Board, and other Federal agencies for personnel research purposes and used to aid in identifying employees included in research studies that extend over a period of time; and

b. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders, on punched cards, computer tape, and computer storage.

**RETRIEVABILITY:**

Records are maintained by project. Personnel information can be retrieved by name or personal identifier.

**SAFEGUARDS:**

Records are kept in locked files and access is limited to staff.

**RETENTION AND DISPOSAL:**

Retained for 3 years, then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Management and Policy Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Some records contain information received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent such disclosure would compromise the testing process.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Individual Federal employees or applicants, supervisors, assessment center assessors, Office of Personnel Management, or NRC personnel files and records, and other Federal agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-24****SYSTEM NAME:**

Property and Supply System (PASS)—NRC.

**SYSTEM LOCATION:**

Property Management Section, Property and Supply Branch, Division of Facilities and Operations Support, Office of Administration, NRC, 4922 Fairmont Avenue, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees, consultants, and contractors who have custody of items of personal property, including major items of equipment (e.g., office furnishings, automobiles, etc.) and items of sensitive property (e.g., cameras, portable calculators, and cassette recorders).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information about the equipment (type, make, model, serial number, etc.); and information about the custodians of the equipment (social security account number, office, and office location).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 66a(a)(3)(1976) and 40 U.S.C. 483(b) and (c), 487(a)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- To provide information to maintain inventory of equipment;
- To provide information for clearances of employees who separate from the NRC; and
- For any of the routine-uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained on NRC forms and magnetic tape systems, with history and audit files.

**RETRIEVABILITY:**

Accessed by social security account number, office, and office location.

**SAFEGUARDS:**

Doors are alarmed during non-working hours. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained for 3 years after an individual's responsibility for the assigned equipment terminates; destroyed by regular trash disposal system or deleted from the data bank.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Property and Supply Branch,  
Division of Facilities and Operations  
Support, Office of Administration, U.S.  
Nuclear Regulatory Commission,  
Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration,  
U.S. Nuclear Regulatory Commission,  
Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from NRC forms signed by the individuals having custody of the items, or from reports and memoranda received by the Division of Facilities and Operations Support.

**NRC-25****SYSTEM NAME:**

Oral History Program-NRC.

**SYSTEM LOCATION:**

Office of the Secretary of the  
Commission, NRC, 1717 H Street NW.,  
Washington, DC

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC employees, former employees, and other individuals who volunteer to be interviewed for purpose of providing information for a history of the nuclear regulatory program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records consist of interviews on magnetic tape, and transcribed script of the interviews.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2161b, 5841(a)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. For incorporation in a future publication on the history of the nuclear regulatory program; and
- b. To provide information to historians and other researchers.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained on magnetic tape and typescripts.

**RETRIEVABILITY:**

Information is accessed by the name of the interviewee.

**SAFEGUARDS:**

Maintained in locked file cabinet. Access to and use of these records are limited to those authorized by the Historian or a designee.

**RETENTION AND DISPOSAL:**

Typescripts are retained indefinitely. Tapes are normally retained until they are transcribed; some may be retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

NRC Historian, Office of the  
Secretary, U.S. Nuclear Regulatory  
Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration,  
U.S. Nuclear Regulatory Commission,  
Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records is obtained from interviews granted on a voluntary basis to the Historian and his/her staff.

**NRC-26 [Revoked]****NRC-27****SYSTEM NAME:**

Radiation Exposure Information and  
Reports System (REIRS) Files-NRC.

**SYSTEM LOCATION:**

Primary system—Union Carbide  
Corporation, Industrial and Personnel  
Management Department, Computer  
Science Division, P.O. Box P, Oak Ridge,  
Tennessee 37830.

Duplicate system—duplicate systems exist, in whole or in part, at the location listed in Addendum I Parts 1(e) and 2.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals monitored for radiation exposure while employed by or visiting or temporarily assigned to certain NRC licensed facilities; individuals who are exposed to radiation or radioactive materials in incidents required to be reported pursuant to 10 CFR 20.403 and 20.405 by all NRC licensee; individuals who may have been exposed to radiation or radio-active materials off-site from a facility, plant installation, or other place of use of licensed materials, or in unrestricted areas, as a result of an incident involving byproduct, source, or

special nuclear material; as then required by NAVMD P-5055, Radiation Health Protection Manual, monitored individuals terminating their service with the Navy prior to 1977; and monitored employees of all the registrants of the State of Illinois.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information relating to individual's name, sex, social security account number, date of birth, job category, period of employment, place and period date of exposure; name, address, and license number of individual's employer; licensee name and number reporting the incident; radiation doses or estimates of exposure received during this period, type of radiation, part(s) or organ(s) exposed, and nuclide(s) involved. Some reports will indicate whether the individual is a contractor or a utility employee. Between January 1972 and May 1974, the following information was also recorded for individuals over-exposed to radiation: sex, training experience, regular occupation of the exposed individuals; device or method used to determine dose(s); brief statement describing the incident and the causes; corrective actions taken; status of exposed individual (i.e., medical treatment); type, age, and manufacturer of malfunctioning equipment; and cumulative dose prior to incident.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, and 2201(o)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. To provide data to other Federal and state agencies involved in monitoring and/or evaluating radiation exposure received by individuals as enumerated in the paragraph "Categories of individuals covered by the system;" and
- b. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are computerized and maintained on magnetic tape, maintained in log books, and filed as either a computer printout or original paper document.

**RETRIEVABILITY:**

Records are accessed by individual name, social security account number, and by licensee name or number.

**SAFEGUARDS:**

Information maintained at the Computing Technology Center is accessible only to the programmers assigned to the REIRS system and released only to the Division of Technical Review. Reports kept by the Division of Technical Review are in file cabinets and bookcases in a secured building. A log is maintained of both telephone and written requests for information.

**RETENTION AND DISPOSAL:**

- a. Original paper document—retained 2 years, destroyed by shredding;
- b. Magnetic tape—retained permanently at Computing Technology Center;
- c. Log books—retained indefinitely, no names;
- d. Computer printouts—periodically updated, destroyed through regular trash disposal system.

**SYSTEM MANAGER(S) AND ADDRESS:**

Branch Chief, Performance Evaluation Branch, Office of Management and Program Analysis, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records either comes from the monitored worker, visitors, worker's employer, or the person in charge of the facility to which the worker has been assigned.

**NRC-28****SYSTEM NAME:**

Recruiting, Examining and Placement Records—NRC.

**SYSTEM LOCATION:**

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.  
Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2, and at the Department of Energy.

Computer facility, Germantown, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have applied for Federal employment with the NRC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain general application information relating to the education, training, employment history, earnings, past performance, criminal convictions, if any, written achievement tests, honors, awards, or fellowships, military service, veteran preference status, birthplace, birth date, social security account number, and home address of persons who have applied for Federal employment with the NRC (SF-171, résumés, and similar documents).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 161(d), Atomic Energy Act of 1954, 42 U.S.C. 2201(d)(1976).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. To furnish information to agencies relative to transfer or consideration of employment; and
- b. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained primarily on forms, lists, and index cards in file folders. Also, certain data is maintained on magnetic tapes, disks, and punch cards.

**RETRIEVABILITY:**

Records are indexed by name and an identification number assigned to each individual.

**SAFEGUARDS:**

Maintained in unlocked file cabinet. Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

- a. Register of Eligible Applications—retained for 1 year from date of application or until no longer needed, then destroyed;
- b. Index cards—retained from date application is placed in the review system, then destroyed when no longer needed;
- c. Other related recruitment and placement documents—destroyed when no longer needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Recruitment Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records either comes from the individual to whom it applies or is derived from information supplied by that individual, with the exception of reports from medical personnel on physical qualifications, results of examinations, vouchers filled out by references and educational institutions whose names were supplied by applicant, and information from other Federal agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-29****SYSTEM NAME:**

Document Control System—NRC.

**SYSTEM LOCATION:**

Primary system—Record Facilities Branch, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2: the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC; the NRC Local Public Document Rooms (LPDRs); and at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NRC staff, contractors, subcontractors, licensees, Congressional offices, and other correspondents with the NRC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents both received by and originated by the NRC.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 5841 (1976) and 44 U.S.C. 3101 (1970).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. To refer, where appropriate, inquiries to Federal agencies or persons for their reply or action;
- b. To provide information to persons or agencies requesting this information, including provision of Daily Accession Lists in the NRC PDR & LPDRs;
- c. To prepare a monthly "Title List of Documents Made Publicly Available;" and
- d. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained on microfiche, disks, tapes, and paper in file folders. Classified documents are maintained in locked safes; proprietary and sensitive safeguards documents are maintained in secured facilities.

**RETRIEVABILITY:**

Accessed by name (author or recipient), corporate source, title of document, subject matter, or other identifying document or control number.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access. Information not exempt from disclosure under the Freedom of Information Act (FOIA) will be publicly available in the NRC PDR and LPDRs.

**RETENTION AND DISPOSAL:**

Retained and destroyed in accordance with approved records disposal schedules for the various types of records involved.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Information which is classified or otherwise exempt from public disclosure under the FOIA will not be disclosed.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from the correspondence to and from the NRC, contractors, and NRC employees.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k), the Commission has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f). This exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-30****SYSTEM NAME:**

Manpower System (MPS) Records—NRC.

**SYSTEM LOCATION:**

Primary system—NIH computer facility, c/o Office of Management and Program Analysis, NRC, 7735 Old Georgetown Road, Bethesda, Maryland. Duplicate system—duplicate system exists, in whole or in part, at the location listed in Addendum I, Part 1(a).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All NRC employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information relating to number of regular and nonregular hours worked, the nature of the work, and workload projections.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

- a. 42 U.S.C. 2201(p) (1976);
- b. Executive Order 9397, November 22, 1943.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. Records in the system of records are used as a project management tool in various management records throughout the NRC; and
- b. Information in these records may be disclosed for the routine uses specified in paragraph numbers 5 and 6 of the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in computer files, computer records, on tapes, disks, cards, and microfiche.

**RETRIEVABILITY:**

Accessed by social security account, project, program, or activity number; docket number, TACS, or PPSAS numbers.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained indefinitely in computer files.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Management and Program Analysis, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from the individual to whom it pertains.

**NRC-31****SYSTEM NAME:**

Correspondence and records Branch, Office of the Secretary—NRC.

**SYSTEM LOCATION:**

Office of the Secretary, Correspondence and records Branch, NRC, 1717 H Street, NW, Washington, D.C. 20555.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The majority of records in this system consist of internal NRC memoranda between NRC employees and the Chairman, a Commissioner, or the Secretary in the ordinary course of carrying out the official business of the NRC. Records also include correspondence from Members of Congress and their staffs including constituent referrals, and White House correspondence referred to the NRC for

response. Correspondence may identify an individual's social security account number, date of birth, address, and employment.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information concerning all subjects which directly or indirectly relate to the fulfillment of NRC's statutory mandate. Records include information dealing with the policy, legal, administrative, and adjudicatory functions of the NRC.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 5841 (1976) and 44 U.S.C. 3101 (1970).

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records may be used for any of the routine uses specified in the Prefatory Statement.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Records are maintained in file folders.

##### RETRIEVABILITY:

Most records are accessed by subject matter headings and are not individually identifiable. Access to some correspondence by individual name is available through correspondence control documents.

##### SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Classified materials are maintained in approved safes, and unclassified records are maintained in rolling file equipment. Access to floor where records are held is controlled 24 hours per day by Federal Protective Officers.

##### RETENTION AND DISPOSAL:

Retained indefinitely.

##### SYSTEM MANAGER(S) AND ADDRESS:

Chief, Correspondence and Records Branch, Office of Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information is classified pursuant to Executive Order 12065 and will not be disclosed.

#### CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

#### RECORD SOURCE CATEGORIES:

Information in this system of records comes from communications to the Commission and responses thereto.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), the Commission has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

#### NRC-32

##### SYSTEM NAME:

Source and Special Nuclear Material License Records—NRC.

##### SYSTEM LOCATION:

Primary system—Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1(b) and 2, and the NIH computer facility, Bethesda, Maryland.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and licensees under Source and Special Nuclear Materials licensing programs.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in this system reflects data supplied by applicants and licensees and developed by the NRC staff in the license review and authorization process with respect to the possession and use of source and special nuclear material. System component records developed and maintained by the NRC staff also include summary and cross-indexing type data promoting quick access to the breakout of such license information as:

- a. Alphabetical listing of active and inactive licenses and applicants for licenses arranged by state and by a master listing;
- b. Cross indexes of names to assigned license numbers;
- c. Dates of license issuance and expiration; and
- d. Geographic location of licensees by state and town.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2073, 2093, 2095, 2201 (b), (i) and (o) (1976).

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

- a. To provide records to state health departments for their information and use;
  - b. To provide information to other Federal, state, and local health officials in the event of incident or exposure, for purposes of their information, investigation, and protection of public health and safety;
  - c. To provide the Department of Energy with information concerning special nuclear material licenses for purposes of control-related transfers and safeguards accountability; and
  - d. For any of the routine uses specified in the Prefatory Statement.
- Certain of the information provided in this category is routinely placed in the NRC Public Document Room.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Maintained on paper, index cards, logs, microfilm, and mag cards.

##### RETRIEVABILITY:

Indexed by applicant and licensee name in juxtaposition with assigned license number.

##### SAFEGUARDS:

Maintained in unlocked shelving units under control of supervisory personnel. Access to and use of these records are limited to those persons whose official duties require such access.

##### RETENTION AND DISPOSAL:

Records are continuously computer updated as new information is developed or individual licenses are cancelled or terminated; license files are transferred annually to the NRC warehouse when they become inactive or are terminated, and retained indefinitely.

##### SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

##### RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Forms and information submitted by applicants and licensees; information developed by NRC personnel from such forms and information.

**NRC-33****SYSTEM NAME:**

Special Inquiry File—NRC.

**SYSTEM LOCATION:**

Primary system—Special Inquiry Group, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals possessing information regarding or having knowledge of matters of potential or actual concern to the Commission in connection with the investigation of an accident or incident at a nuclear power plant or other nuclear facility, or an incident involving nuclear materials.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system consists of an alphabetical index file bearing individual names. The index provides access to associated records which are arranged by subject matter, title, or identifying number(s) and/or letter(s). The system incorporates the records of all Commission correspondence, memoranda, audit reports and data, interviews, questionnaires, legal papers, exhibits, investigative reports and data, and other material relating to or developed as a result of the inquiry, study, or investigation of an accident or incident.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2201(c), (i) and (o)(1976); 5841(f)(1974).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. To provide information relating to an item which has been referred to the Commission or Special Inquiry Group for investigation by an agency, group, organization, or individual may be disclosed as a routine use to notify the referring agency, group, organization, or individual of the status of the matter or

of any decision or determination that has been made;

b. To disclose a record as a routine use to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

c. To provide records relating to the integrity and efficiency of the Commission's operations and management may be disseminated outside the Commission as part of the Commission's responsibility to inform the Congress and the public about Commission operations; and

d. For any of the routine uses specified in paragraph numbers 1, 2, 4, 5, and 6 of the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained on microfiche, disks, tapes, and paper in file folders. Documents are maintained in secured vault facilities.

**RETRIEVABILITY:**

Accessed by name (author or recipient), corporate source, title of document, subject matter, or other identifying document or control number.

**SAFEGUARDS:**

These records are located in lockable metal filing cabinets or safes in a secured facility and are available only to authorized personnel whose duties require access.

**RETENTION AND DISPOSAL:**

Retained and destroyed in accordance with approved records disposal schedules for the various types of records involved.

**SYSTEM MANAGER(S) AND ADDRESS:**

Records Manager, Special Inquiry Group, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Information classified pursuant to Executive Order 12065 will not be disclosed. Information received in confidence will not be disclosed to the extent that disclosure would reveal a confidential source.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

The information in this system of records is obtained from sources including, but not limited to, NRC officers and employees; Federal, state, local, and foreign agencies; NRC licensees; nuclear reactor vendors and architectural engineering firms; other organizations or persons knowledgeable about the incident or activity under investigation; and relevant NRC records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-34****SYSTEM NAME:**

Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records—NRC.

**SYSTEM LOCATION:**

Primary system—Advisory Committee on Reactor Safeguards, NRC, 1717 H Street, NW, Washington, DC.

Duplicate system—duplicate system exists, in whole or in part, at the NIH computer facility, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons providing information to or requesting information from the ACRS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information relating to incoming requests and correspondence from individuals and replies thereto and a listing of technical information by authors names.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101(1970).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Indexing is maintained on computer tapes and disks and individual materials are located in ACRS files.

**RETRIEVABILITY:**

Indexed by one or more of the following categories: author and

addressee's name, subject title using the Key Word Out of Context (KWOC) index and issuing organization or agency.

#### SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

#### RETENTION AND DISPOSAL:

Retained indefinitely.

#### SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Information Branch, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

#### NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

#### RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

#### CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

#### RECORD SOURCE CATEGORIES:

Records contain information prepared by private individuals or organizations, government agencies and their contractors, companies, and other groups such as the American National Standards Institute (ANSI)

NRC-35 [Revoked]  
NRC-36

#### SYSTEM NAME:

Employee Locator Records Files—NRC.

#### SYSTEM LOCATION:

Primary system—Telecommunications Branch, Division of Facilities and Operations Support, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees and consultants.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to name, address (home and business), telephone numbers (home and business), organization, persons to be notified in case of emergency and other related records.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101(1970).

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the routine use specified in paragraph number 6 of the Prefatory Statement.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Maintained on index cards.

##### RETRIEVABILITY:

Indexed by name.

##### SAFEGUARDS:

Maintained in controlled access room under 24-hour visual control of NRC operators. Access to and use of these records are limited to those persons whose official duties require such access.

##### RETENTION AND DISPOSAL:

Retained until 6 months after association with NRC is discontinued, then destroyed by shredding.

#### SYSTEM MANAGER(S) AND ADDRESS:

Chief, Telecommunications Branch, Division of Facilities and Operations Support, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

#### NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

#### RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

#### CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

#### RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, general personnel records, and other related records.

NRC-37

#### SYSTEM NAME:

Information Security Files and Associated Records—NRC.

#### SYSTEM LOCATION:

Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2; and at the NIH computer facility, Bethesda, Maryland.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons including present or former NRC employees, contractors, consultants and licensees; other government agency personnel; and other cleared persons.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information regarding:

- a. Personnel who are authorized access to specified levels, categories and types of information, the approving authority, and related documents;
- b. Individuals who originate classified documents as well as identifying information about the document.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

- a. 42 U.S.C. 2165 and 2201(i)(1976);
- b. Executive Order 12065, June 28, 1978.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be used:

- a. To provide information relating to the control of classified information and material to the Information Security Oversight Office, Department of Defense, Department of Energy (computer input) and other government agencies; and
- b. For any of the routine uses specified in the Prefatory Statement.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Maintained primarily in file folders, on magnetic tape, disk packs, and index cards.

##### RETRIEVABILITY:

Indexed and accessible by name and/or assigned number.

##### SAFEGUARDS:

Maintained in locked buildings, containers, or security areas under guard and/or alarm protection, as appropriate.

##### RETENTION AND DISPOSAL:

- a. Classified documents, administrative correspondence, document receipts, destruction certificates, classified document inventories, and related records—retained 2 years, then destroyed by shredding;
- b. Top Secret Accounting and Control files—registers: retained 5 years after documents shown on form are

downgraded, transferred, or destroyed; accompanying forms: retained until related document is downgraded, transferred, or destroyed. Destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure." Some information is classified pursuant to Executive Order 12085 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Persons, including NRC employees, contractors, consultants, and licensees as well as information furnished by other government agencies or their contractors.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). The exemption rule is contained in 10 CFR 9.95 of NRC regulations.

**NRC-38**

**SYSTEM NAME:**

Mailing Lists—NRC.

**SYSTEM LOCATION:**

Primary system—Division of Technical Information and Document Control, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1(a) and (h), and at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals with an interest in receiving information from the NRC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Mailing lists include primarily the individual's name and address. Some

lists also include title, occupation, and institutional affiliation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101(1970).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. For distribution of documents to persons and organizations listed on the mailing lists.
- b. For the routine use specified in paragraph number 6 of the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records are maintained in card files, index cards, address plates, magnetic cards, punch cards, cassettes and magnetic tape.

**RETRIEVABILITY:**

Filed alphabetically by company name and then individual name, where possible.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

Documents requesting changes retained 3 months, destroyed through regular trash disposal system; lists retained until cancelled or revised, destroyed through regular trash disposal system.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

NRC licensees and individuals expressing an interest in NRC activities and publications.

**NRC-39**

**SYSTEM NAME:**

Personnel Security Files and Associated Records—NRC.

**SYSTEM LOCATION:**

Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1(e) and 2; the Department of Energy, Administration and Century XXI Buildings, Germantown, Maryland; and the NIH computer facility, Bethesda, Maryland.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons including NRC employees, employment applicants, consultants, contractors, and licensees; other government agency personnel (e.g., General Service Administration personnel); other persons who have been considered for a personnel clearance; aliens who visit at NRC's facilities; and actual or suspected violators of laws administered by NRC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Include information relating to personnel, including name, address, date and place of birth, social security account number, citizenship, residence history, employment history, foreign travel, education, personal references, organizational membership and security clearance history. These records also contain copies of investigative reports from other agencies (primarily from the Office of Personnel Management or the Federal Bureau of Investigation), summaries of investigative reports, results of Federal agency indices checks, reports of personnel security interviews, clearance actions information (e.g., grants and terminations), violations of laws, reports of security infractions, "Request for Visit or Access Approval" (Form NRC-277), and other related personnel security processing documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

- a. 42 U.S.C 2165 and 2201(i)(1976);
- b. Executive Order 12065, June 28, 1978;
- c. Executive Order 10865, February 20, 1960;
- d. Executive Order 10450, April 27, 1953.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used by the Division of Security, Personnel Security Board Members or Personnel Security Review Board Members, Office of Personnel Management, Federal Bureau of Investigation, and other Federal agencies:

- a. To determine clearance eligibility;
- b. To certify clearances;
- c. To maintain the NRC personnel security program; and
- d. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained primarily in file folders, on magnetic tape, disk packs, and index cards.

**RETRIEVABILITY:**

Indexed and accessible by name, social security account number, or case file number of a combination thereof.

**SAFEGUARDS:**

File folders and computer printouts are maintained in security or controlled areas under guard and/or alarm protection as appropriate.

**RETENTION AND DISPOSAL:**

a. Personnel security clearance files—retained 5 years after date of last action, then transferred to Federal Records Center, Suitland, Maryland, destroyed by shredding 20 years after date of last action;

b. Request for Visit or Access Approval—Maximum security areas: retained 5 years after final entry or after date of document, as appropriate; Other areas: retained 2 years after final entry or after date of document; destroyed by shredding; and

c. Other security clearance administration files—retained 2 years after final entry or after date of document; destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**NOTIFICATION PROCEDURE:**

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

**RECORD ACCESS PROCEDURES:**

Same as "Notification procedure."  
Some information is classified pursuant

to Executive Order 12065 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

**CONTESTING RECORD PROCEDURES:**

Same as "Notification procedure."

**RECORD SOURCE CATEGORIES:**

Persons including NRC applicants, employees, contractors, consultants, licensees, and visitors as well as information furnished by other government agencies or their contractors.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k) (1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

**NRC-40****SYSTEM NAME:**

Facility Security Support Files and Associated Reports—NRC.

**SYSTEM LOCATION:**

Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons including present or former NRC employees, consultants, contractors, and licensees; other government agency personnel; and actual and suspected violators of laws relating to the NRC's activities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records include information regarding NRC facilities' and NRC contractor facilities' security programs and associated records; individuals visiting NRC facilities; NRC employees and NRC related identification files maintained for access purposes; actual or suspected violations of laws of security interest administered by NRC, including copies of investigative reports from other government agencies; records of individuals' firearms qualification scores including the accountability of firearms; and other documents relating to the safeguards of National Security Information (NSI) and Restricted Data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

- a. 42 U.S.C. 2165 and 2201(i), (k), and (p)(1976);
- b. Executive Order 12065, June 28, 1978.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in this system may be used:

- a. To provide licensees and contractors with the information necessary to maintain an adequate security program; and
- b. For any of the routine uses specified in the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders and on related forms.

**RETRIEVABILITY:**

Indexed and accessible by name, facility, badge number, identification card number, chronologically, or a combination thereof.

**SAFEGUARDS:**

Maintained in security containers or security areas under guard and/or alarm protection, as appropriate.

**RETENTION AND DISPOSAL:**

a. Survey and inspection files and records pertaining to NRC and NRC contractor facilities security programs—Government-owned facilities: retained 3 years, or until discontinuance of facility, whichever is sooner; Privately owned facilities: retained 4 years or until security cognizance is terminated, whichever is sooner; destroyed by shredding;

b. Facility visitor records—Maximum security areas: retained 5 years after final entry or after date of documents, as appropriate; Other areas: retained 2 years after date of document; destroyed by shredding;

c. NRC employee and NRC-related identification files—retained 2 years following employee's termination; destroyed by shredding.

d. Security interest violation and investigative report files—retained indefinitely;

e. Firearms qualification scores and accountability—retained 2 years from date of document; destroyed by shredding; and

f. Other documents relating to NSI and Restricted Data safeguards and other security and protective service files—

retained 2 years from date of document; destroyed by shredding.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

#### NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

#### RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information is classified pursuant to Executive Order 12065 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

#### CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

#### RECORD SOURCE CATEGORIES:

Persons including NRC employees, contractors, consultants, licensees, and visitors as well as information furnished by other government agencies or their contractors.

#### Addendum I.—List of U.S. Nuclear Regulatory Commission Locations

##### Part 1.—NRC Headquarters Offices

- a. Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.
- b. East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.
- c. Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland.
- d. Lugenbeel Building, 4922 Fairmont Avenue, Bethesda, Maryland.
- e. Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.
- f. Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.
- g. Nicholson Lane Building, 5650 Nicholson Lane, Rockville, Maryland.
- h. Matomic Building, 1717 H Street, NW, Washington, D.C.
- i. Air Rights III Building, 4550 Montgomery Avenue, Bethesda, Maryland.

##### Part 2.—NRC Regional Offices

- a. NRC Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406.
- b. NRC Region II, 101 Marietta Street, Suite 3100, Atlanta, Georgia 30303.
- c. NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.
- d. NRC Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012.
- e. NRC Region V, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596

Dated at Bethesda this 9th day of September 1981.

For the Nuclear Regulatory Commission,  
William J. Dircks,  
*Executive Director for Operations.*  
[FR Doc. 81-27369 Filed 9-18-81; 8:45 am]  
BILLING CODE 7530-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

September 16, 1981.

#### Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

- The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
- The office of the agency issuing this form;
- The title of the form;
- The agency form number, if applicable;
- How often the form must be filled out;
- Who will be required or asked to report;
- The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
- Whether small businesses or organizations are affected;
- A description of the Federal budget functional category that covers the information collection;
- An estimate of the number of responses;
- An estimate of the total number of hours needed to fill out the form;
- An estimate of the cost to the Federal Government;
- An estimate of the cost to the public;

- The number of forms in the request for approval;
- An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
- The name and telephone number of the person or office responsible for OMB review; and
- An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

#### DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

#### New

- Food and Nutrition Service Food Stamp Program—Photo Identification
- On occasion

Individuals or households/State or local Governments/Businesses or other INS Food stamp hseholds residing in areas serv. more than 100,000  
SIC:943 881

Food and nutrition assistance: 37,020,000 responses; 325,000 hours; \$399,110 Federal cost; 1 form; \$1,049,000 public cost; not applicable under 3504(h)  
Charles A. Ellett, 202-395-7340

This final regulation establishes the requirements for food stamp photo identification. The rule mandates the areas in which photo ID's are required and establishes the minimum requirements that photo ID systems must meet.

#### DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

#### New

- Departmental and Others Evaluation of Institutional Conservation Program

CE-745 A & B

Nonrecurring

State or local governments/businesses or other institutions

State energy offices and 600 selected government and public facility

SIC: 919 Mul

Small businesses or organizations

Energy conservation: 654 responses; 2,616 hours; \$1, 299,500 Federal cost; 2 forms; not applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

To evaluate the energy audit phase of the institutional conservation program by examining State audit documents and interviewing responsible State officials. A sample of participating and nonparticipating buildings will be reaudited to measure effectiveness of ICP

#### Revisions

- Energy Information Administration Boiler Manufacturers Report

EIA-97

Quarterly

Businesses or other institutions

Boiler manufacturers

SIC: 351

Energy information, policy, and regulation: 80 responses; 80 hours; \$6,250 Federal cost; 1 form; not applicable under 3504

Jefferson B. Hill, 202-395-7340

Data will be used as input to the national model midterm energy forecasting system and to update the frame for the quarterly coal consumption report—manufacturing plants.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

#### New

- Social Security Administration Quality Review Questionnaire—Disability

SSA-4678 (10-80)

Nonrecurring

Individuals or households

Disabled or blind SSI beneficiaries

Other income security: 1,500 responses; 500 hours; \$469,500 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

This information will provide a basis for determining characteristics of the SSI population relative to the beneficiaries disabling condition.

- Social Security Administration Aid to Families With Dependent Children<sup>1</sup>

Monthly reporting

Monthly

Individuals or households

Families receiving AFDC assistance

Other income security: 45,600,000 responses; 3,800,000 hours; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

The statute requires that this information be reported by AFDC families on a monthly basis.

#### Extensions (Burden Change)

- Social Security Administration

Statement of Living Arrangements, Support and Maintenance/Additional Statement of Living Arrangements, Support and Maintenance

SSA-8005 and 8006

On occasion

Individuals or households

Aged, blind and disabled applicants and recipients

Public assistance and other income supplements: 2,700,000 responses; 235,000 hours; \$15,100,000 Federal cost; 2 forms; not applicable under 3504(h)

Robert Neal, 202-395-6880

Section 1612(A)(2) of the Social Security Act provides for information regarding the determination of initial and continuing eligibility for supplement security income (SSI) payments and the amount of such payments. These forms are used to elicit complete information so that payment errors can be reduced and minimized.

<sup>1</sup>This request has already been approved in order that revised AFDC regulations necessitated by the Omnibus Reconciliation Act of 1981 can be implemented on October 1, 1981.

#### DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

#### New

- Internal Revenue Service Tax Shelter Questionnaire Contribution of Gem Stones

DIR-DET 4-301

On Occasion

Individuals or households/businesses of other institutions

Taxpayers investing in a contribution of gem stones tax shl.

SIC: All

Small businesses or organizations

Central fiscal operations: 25 responses; 19 hours; \$1,051 Federal cost; 1 form; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, Internal Revenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

- Internal Revenue Service Office Examination Interview Checksheet

500-4-584, 500-4-584A

On occasion

Individuals or households/farms/businesses or other institutions

Individuals filing a 1040 or 1040A

SIC: 501, 502, 503, 152, 171, 172, 521, 523, 525, 526

Small businesses or organizations

Central fiscal operations: 35,000 responses; 17,500 hours; \$5,668 Federal cost; 2 forms; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

26 U.S.C. 7602 authorizes IRS to examine any books, records, or other data that may be relevant to the examination of a return to determine the validity of the return. Forms 500-4-584 and 500-4-584A are used as a check sheet by examiners as an aid for return examination.

- Internal Revenue Service Erroneously Reported Wages Per OAR 7010 From SSA

97C, 97SC, 97SP

Quarterly

Individuals or households/businesses or other institutions

All employers

SIC: All

Small businesses or organizations

Central fiscal operations: 1,484 responses; 742 hours; \$6,610 Federal cost; 3 forms; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

The information is needed in order to resolve discrepancies between SSA and IRS data which could result in a refund to the employer.

- Bureau of Alcohol, Tobacco and Firearms

Request for Disposition Offense  
ATF F 5050.29

On occasion

State or local governments

Law enforcement groups and/or court records clerks

SIC: 922

Federal law enforcement activities: 3,000 responses; 1,500 hours; \$1,200 Federal cost; 1 form; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

When an applicant for a license or permit has been charged with a violation of Federal or State law and there is no records of the disposition of the case, this form is sent to the custodian of the records to ascertain the disposition. The information is needed to determine if the applicant is eligible to receive the license or permit.

- Internal Revenue Service  
BMF General Purpose CP Form  
4428, 4428-SP

On occasion

Individuals or households/State or local governments/farms/businesses or other institutions

The notice is issued to all taxpayers filing businesses rtns.

SIC: All

Small businesses or organizations

Central fiscal operations: 154,697 responses; 77,348 hours; \$1,084,718 Federal cost; 2 forms; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

Blank computer form used to advise taxpayer of problems with business return, math errors, return not filed when due, tax not paid when due, estimated tax underpaid, tax deposit requirements not met, check not honored by bank, explanation for late filing not acceptable.

- Internal Revenue Service  
Deduction for Depletion on Ground Water Used for Irrigation

SWR E-665

Annually

Individuals or households/farms/businesses or other institutions

Taxpayers using grounds water from the Ogallala

SIC: Multiple

Small businesses or organizations

Central fiscal operations: 500 responses; 1,000 hours; \$500 Federal cost; 1 form; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

Attachment to tax return which provides standard method of computing and reporting water depletion deductions by taxpayers in the southern high plains of Texas and New Mexico who extract ground water from the Ogallala geological formation, under revenue procedure 66-11. The IRS uses the information to determine if the depletion has been computed correctly.

- Internal Revenue Service  
Letter Used to Ask Taxpayer Additional Information so we can Locate the Account

FL 1815 (Rev. 12-79)

Nonrecurring

Individuals or households

Individual Taxpayers

Central fiscal operations: 8,000 responses; 2,000 hours; \$16,214 Federal cost; 1 form; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

This letter is used when the taxpayer has requested information about his/her tax account, but has failed to provide sufficient information for us to locate his/her account. Without this information, the taxpayer's need will not be met.

- Internal Revenue Service  
Letter Requesting Appraiser Information  
ROL 1-187

On occasion

Individuals or households/businesses or other institutions

Certified Appraisers

SIC: All

Small businesses or organizations

Central fiscal operations: 25 responses; 50 hours; \$307 Federal cost; 1 form; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

IRS obtains the services of qualified appraisers to establish the fair market value of real property held by taxpayers. These appraisals are used to determine the proper tax liabilities owed by taxpayers. Without the expertise of qualified appraisers, it will not be able to collect tax revenues required by law.

- Internal Revenue Service  
Letter Requesting Additional Information From Exempt Organization

LTR 1451

On occasion

Businesses or other institutions

Exempt organization, churches, union, boy's club

SIC: 839,862

Small businesses or organizations

Central fiscal operations: 1,500 responses; 50 hours; \$15,539 Federal cost; 1 form; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

Information received in response to the pattern letter will enable us to process form SS-15, certificate waiving exemption from Federal income taxes.

**Revisions**

- Bureau of Alcohol, Tobacco and Firearms

Notice of Transfer of Fruit-Flavor Concentrate

201000

ATF F 3874 (5520.5)

On occasion

Businesses or other institutions

Bonded wine cellars

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 0 responses; 0 hours; \$225 Federal cost; 1 form; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

Form is necessary to document and control shipments of fruit flavor concentrate between bonded wine cellars, fruit-flavor concentrate plants and for export. Describes the shipper, person to whom shipped, details about the shipment and fruit-flavor concentrate for tax liability purposes and receipt by the consignee. Form is used to determine proper disposition and shipment of fruit-flavor concentrate.

**Extensions (Burden Change)**

- Bureau of Alcohol, Tobacco and Firearms

Registration of Volatile Fruit Flavor Concentrate Plant

ATF F 27-G (5520.3)

On occasion

Businesses or other institutions

Manufacturers of volatile fruit flavor concentrate

SIC: 208

Small businesses or organizations

Federal law enforcement activities: 10 responses; 30 hours; \$115 Federal cost; 1 form; not applicable under 3504(h)

**Dr. Irene Montie, 202-395-6880**

Volatile fruit flavor concentrate is produced by a distillation process. Alcohol is produced and remains in the product. Although concentrate is not taxed, the law requires registration of plants because alcohol could be produced under/or diverted for illegal purposes.

- Bureau of Alcohol, Tobacco and Firearms

Proprietors of Volatile Fruit Flavor Concentrate Plants

ATF REC 5520/1

On occasion

Businesses or other institutions

**Manufacturers of volatile fruit flavor concentrates**

SIC: 209

Small businesses or organizations

Federal law enforcement activities:

10,140 responses; 1,014 hours; \$50

Federal cost; 1 form; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

Records process throughout, insures materials are not diverted, their use, and to whom transferred, protects the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Proprietors of Volatile Fruit Flavor Concentrate Plants

ATF Rec 5520/2

On occasion

Businesses or other institutions

Manufacturers of volatile fruit flavor concentrates

SIC: 209

Small businesses or organizations

Federal law enforcement activities:

10,140 responses; 1,014 hours; \$50

Federal cost; 1 form; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

Accounting tool, audit trail, protection of the revenue. Ensures correct amount are used according to formula, ensures spirits are then unfit for beverage purposes, then tax exempt or drawback can be claimed.

- Bureau of Alcohol, Tobacco and Firearms

Proprietors of Volatile Fruit Flavor Concentrate Plants

ATF Rec 5520/3

On occasion

Businesses or other institutions

Manufacturers of volatile fruit flavor concentrates

SIC: 209

Small businesses or organizations

Federal law enforcement activities: 156 responses; 78 hours; \$10 Federal cost;

1 form; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

Ascertain revenue is not placed in jeopardy, and notifies ATF of proprietors' intents to commence business. Protection of the revenue.

- Internal Revenue Service

Tax on wagering

730

Monthly

Businesses or other institutions

Persons in the business of accepting wagers

SIC: 794, 799

Small businesses or organizations

Central fiscal operations: 22,596

responses; 19,207 hours; \$63,763

Federal cost; 1 form; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

Form 730 is used to identify taxable wagers and collect the tax monthly (IRC section 4401). The information supplied is used to determine if persons accepting wagers are correctly reporting the amount of wagers and paying the required tax.

- Bureau of Alcohol, Tobacco and Firearms

Application to Transport Interstate or to Temporarily Export Certain NFA Firearms

ATF F 7560.8

On occasion

Individuals or households

Importers/exporters of firearms

Small businesses or organizations

Federal law enforcement activities: 410

responses; 205 hours; \$4,054 Federal

cost; 1 form; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

Form, when approved, satisfies the requirement that a registrant receive authorization from the Secretary prior to any movement of certain NFA firearms in interstate or foreign commerce. Regulations provide that registrant must write a letter and provide 7 items of information. Makes it easier for registrant to supply the required information and eliminates need for additional correspondence on part of both parties. NFA branch will accept letter application or this form.

- Bureau of Alcohol, Tobacco and Firearms

Application to Make and Register Firearms

ATF Form 1 (7560.1)

On Occasion

Individuals or households

Individuals who make firearms and

register applicants name

Small businesses or organizations

Federal law enforcement activities: 240

responses; 960 hours; \$8,167 Federal

cost; 1 form; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

National Firearms Act (NFA), Chapter 53, Title 26 U.S.C., requires an individual to submit form prior to making a NFA firearm. Approval authorizes individual to make firearm in applicant's name in the national firearms registration and transfer record (NFRTR).

**Reinstatements**

- Bureau of Alcohol, Tobacco and Firearms

Concentrate Manufacturer's Bond

ATF F 1694

On occasion

Businesses or other institutions

Manufacturers of concentrates

SIC: 209

Small businesses or organizations

Federal law enforcement activities: 0

responses; 0 hours; \$18 Federal cost; 1

form; not applicable under 3504(h)

Dr. Irene Montie, 202-395-6880

Manufacturers of fruit flavor concentrates handle a product which has an alcoholic content. Accordingly, federal excise taxes attach to the product. If not used in accordance with law, the taxes are protected by this bond which the manufacturers file with our bureau.

**ACTION**

Agency Clearance Officer—Mr. Don Romine—202-254-8523

**Revisions**

- Vista and Action Education Programs Project Progress Report

Action A-1023

Quarterly

State or local governments, businesses or other institutions

Various public/private nonprofit groups

SIC: multiple

Small businesses or organizations

Social services: 2,200 responses; 17,600

hours; \$10,000 Federal cost; 1 form; not

applicable under 3504(h)

Diane Wimberly, 202-395-6880

Standard Federal assistance application form that provides basic project and programmatic data needed to process grant award.

**SECURITIES AND EXCHANGE COMMISSION**

Agency Clearance Officer—George G. Kundahl—202-272-2142.

**New**

- Form 4—Statement of Changes in Beneficial Ownership of Securities 1474 On occasion, monthly Individuals or households/businesses or other institutions officers, dir., and ten percent shareholders of certain

SIC: multiple

Small businesses or organizations

Other advancement and regulation of

commerce: 74,417 responses; 186,042

hours; \$521,665 Federal cost; 1 form;

\$8,185,870 public cost; not applicable

under 3504(h)

Robert Veeder, 202-395-4814

Form 4 is required by the three statutes in order to provide information to issuers and their stockholders with respect to transactions in the issuer's securities by officers, directors and ten percent shareholders which may be violative of the insider trading regulations set forth in those statutes.

• **Form 3—Initial statement of Beneficial Ownership of securities**

1473

On occasion, Monthly Individuals or households/businesses or other institutions Officers, dir., and 10 percent shareholders of cert. Co., etc.

SIC: multiple

Small businesses or organizations

Other advancement and regulation of commerce: 9,382 responses; 23,455 hours; \$67,175 Federal cost; 1 form; \$1,032,020 public cost; not applicable under 3504(h)

Robert Veeder, 202-395-4814

Form 3 is required by the three statutes in order to provide information to issuers and their stockholders with respect to transactions in the issuer's securities by officers, directors and ten percent shareholders which may be violative of the insider trading regulations set forth in those statutes.

Arnold Strasser,

*Acting Assistant Administrator for Reports Management.*

[FR Doc. 81-27449 Filed 9-18-81; 8:45 am]

BILLING CODE 3110-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18096; SR-Amex-81-14, SR-CBOE-81-16, SR-Phlx-81-14]

### American Stock Exchange, Inc., et al.; Order Approving Proposed Rule Change

September 14, 1981.

In the matter of the American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604, and Philadelphia Stock Exchange, Inc., 1900 Market Streets, Philadelphia, PA 19103.

On August 6, 1981, the American Stock Exchange, Inc. filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change to allow it to introduce, when appropriate, additional options series at the next exercise price interval so long as at least 45 days remain before expiration of the series. On August 18, 1981, the Philadelphia Stock Exchange, Inc. ("Phlx") and on August 20, 1981 the Chicago Board Options Exchange, Inc. ("CBOE") submitted identical proposed rule changes.

Notice of the proposed rule changes together with the terms of substance of them was given by issuance of Commission Releases (Securities

Exchange Act Release Nos. 18031, August 13, 1981; 18075, August 31, 1981) and by publication in the Federal Register (46 FR 42228, August 19, 1981; 46 FR 44950, September 8, 1981). No comments were received with respect to the proposed rule filings.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes of the CBOE and Phlx prior to the thirtieth day after the date of publication of notice of filing thereof in that the terms of those changes are identical to the rule changes proposed by the Amex. Notice of the Amex proposal was outstanding for the full statutory period and no comments were received.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
*Secretary.*

[FR Doc. 81-27450 Filed 9-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22192; 70-6642]

### Appalachian Power Co.; Proposed Issuance and Sale of Preferred Stock

September 15, 1981.

Appalachian Power Company ("Appalachian"), 40 Franklin road, Roanoke, Virginia 24009, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b) and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 thereunder.

Appalachian proposes to issue and sell up to 1,600,000 shares of a new series of its no par cumulative preferred stock with an involuntary liquidation price of \$25 per share. The terms will be determined by competitive bidding. The price to be paid to Appalachian will be \$25 per share which also will be the price at which the cumulative preferred stock is initially offered to the public. If market conditions should not be propitious for the sale of the cumulative preferred stock on a competitive bidding basis, Appalachian proposes, subject to

further authorization by the Commission, either to place the cumulative preferred stock privately with institutional investors or to negotiate with underwriters for the sale. Appalachian also proposes to acquire from time to time shares of the new series of cumulative preferred stock, on or in anticipation of any sinking fund redemption date, for sinking fund purposes. The proceeds from the sale of the cumulative preferred stock will be used to repay unsecured short-term indebtedness of Appalachian consisting of short-term notes and commercial paper which aggregated \$47,650,000 on June 30, 1981, and for other corporate purposes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 14, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
*Secretary.*

[FR Doc. 81-27455 Filed 9-18-81; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement; Watauga County, N.C.

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Watauga County, North Carolina.

**FOR FURTHER INFORMATION CONTACT:**

Gary D. Holly, Environmental Engineer,  
Federal Highway Administration, 310  
New Bern Avenue, P.O. Box 26806,  
Raleigh, North Carolina 27611,  
Telephone (919) 755-4270.

**SUPPLEMENTARY INFORMATION:**

The FHWA, in corporation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposal to improve US Route 421 from NC Route 194 in Boone, North Carolina, to Secondary Road SR 1361 near Deep Gap, North Carolina, in Watauga County. The proposed project is described as improving the two lane roadway to a multi-lane facility for a distance of approximately 12 miles.

Existing US 421 in this area is a two lane, non-access controlled facility with poor horizontal and vertical alignment. There is a substantial capacity problem due to the high volume of traffic using the facility in conjunction with substandard sight distance. Several possible alternative actions will be studied including upgrading the existing roadway, minimum relocation, major relocation, and the do-nothing alternative.

Letters describing the proposed action and soliciting comments are being set to appropriate Federal, State and local agencies. A public meeting was held on June 13, 1979 in Boone. An additional public meeting and corridor and design public hearings will be held. Public notice will be given of the time and place of the meeting and hearings. The draft EIS will be available for public agency review and comment. Identification of any significant issues by others that relate to the proposed action will result in scoping meeting with appropriate agencies as necessary.

The project is a major Federal action and will require an Environmental Impact Statement (EIS) in accordance with the provisions of the National Environmental Policy Act of 1969. To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance, Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on September 10, 1981.

Roger Lewis,  
Assistant Division Administrator, Raleigh,  
North Carolina.

[FR Doc. 81-27207 Filed 9-18-81; 6:45 am]

BILLING CODE 4910-22-M

**Environmental Impact Statement;  
Eaton County, Michigan**

**AGENCY:** Federal Highway Administration (FHWA), DOT and Michigan Department of Transportation (MDOT).

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a supplement to the Final Environmental Impact Statement (FHWA-Mich-EIS-73-03F) will be prepared for a 15-mile section of I-69, between Charlotte and I-96 west of Lansing. This document will provide a comparative analysis of several alignments along US-27 and of the approved alignment.

**FOR FURTHER INFORMATION CONTACT:** Thomas Fort, District Engineer, Federal Highway Administration, Michigan Division, P.O. Box 10147, 315 W. Allegan, Lansing, Michigan 48901, Telephone (517) 377-1862 (FTS 374-1844), or Jack Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone 1-800-292-9576 (toll free) or (517) 373-2166.

**SUPPLEMENTARY INFORMATION:** The Final EIS for the proposed improvement of I-69 between Charlotte and Lansing was approved on October, 1976. The FHWA granted location/design approval in March 1977. Later in 1977, a group called the "Concerned Citizens About I-69" started inquiries into the validity of the approved alignment based on the prime farmland issue.

The "Concerned Citizens" group pursued efforts to stop the I-69 project through their Congressmen. During congressional action on the 1981 Transportation Appropriations Bill, efforts exerted by these individuals were successful in getting a provision added to the bill prohibiting funds being made available by the act from being used for planning and construction activities on I-69 for a period of 90 days from enactment of the act. The intent of the 90 day moratorium was to permit the Secretary of Transportation to conduct a further review of the route. Final authority over the project after the 90 day review period was with the MDOT.

A public hearing conducted by the U.S. DOT task force, was held on November 24, 1980 in Charlotte,

Michigan. The purpose of the hearing was to obtain current views of the public and of elected and appointed officials regarding the I-69 project. The most significant testimony given during the hearing was critical of the approved alignment and the impacts of the approved line on prime farmlands. Many suggested an alternative which used the existing US-27 corridor.

On December 24, 1980, Secretary Goldschmidt issued a report based on his review of the project. The findings of that review were three fold:

(1) The State of Michigan had received valid approval of the current alignment;

(2) Construction of I-69 in the approved corridor would lead to direct and indirect loss of substantial amounts of prime agricultural land; and

(3) Selection of an alternative of expansion and upgrading of US-27 would minimize impacts to agricultural lands although the US-27 corridor would involve more residential and business displacements.

The U.S. DOT report concluded with a recommendation that the State of Michigan suspend further work on its proposed alignment for I-69 and reconsider its decision. Upgrading US-27 was noted as being preferable to the approved alignment.

As a result of the U.S. DOT report, MDOT studied six alternate alignments along US-27. In the interim, they have suspended all further work on the approved alignment. At a public meeting conducted by MDOT personnel on April 15, 1981, the various alternatives were presented to the audience and their comments were recorded. Numerous statements were made by individuals, with no clear preference being shown for the approved alignment or upgrading US-27. It is clear, however, that with consideration being shown by the MDOT of the upgrading proposals, opposition is surfacing to those concepts.

An analysis of the alignments along US-27 was compiled in a report to the State Transportation Commission and transmitted to them for discussion at their April 29 meeting. MDOT recommended to the Transportation Commission that further study of the alignments along existing US-27 be done. It is estimated that this will take several months with a public hearing tentatively scheduled for Spring, 1982. MDOT is currently working on the preparation of a supplement to the Final Environmental Impact Statement.

All alternatives being evaluated along US-27 would consist of two 24-foot roadways and a frontage road in a right-

of-way width varying from approximately 250 to 400 feet. Much of the existing US-27 right-of-way would be incorporated into the design.

The proposed I-69 project is one of the last remaining freeway links scheduled for construction in Michigan. When in full operation, I-69 will promote a more effective utilization of the regional interstate system by providing a direct freeway facility between the major metropolitan cities within the midwestern region, integrate with interstate highways I-96, I-94, and I-75 the more heavily utilized traffic corridors in Michigan, and provide a bypass around the Lansing metropolitan area.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs)

Dated: September 14, 1981.

David A. Merchant,  
Division Administrator.

[FR Doc. 81-27446 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-22-M

## Lihue, Hawaii; Environmental Impact Statement

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project located in the Lihue District, Island of Kauai, State of Hawaii.

**FOR FURTHER INFORMATION CONTACT:** Mr. H. Kusumoto, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 546-5150.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the State of Hawaii, Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to replace Huleia Bridge which is located on Kaunualii Highway (FAP 50) on the island of Kauai. The existing bridge is of a deteriorated/substandards condition. The project will also improve the existing T-intersection of the Quarry Road and Kaunualii Highway which is located on the easterly bridge approach.

In addition, the project will explore the general implications of a "no-build" alternative. The project EIS will reveal anticipated effects should it be decided to forego any improvements to Huleia Bridge.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens. In addition, a public hearing will be held and testimony will be received regarding each of the proposed alternatives. A public notice will be published indicating the time and place of the hearing. A draft EIS will be available at the time of the hearing, for public review and comment.

No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on September 9, 1981.

H. Kusumoto,  
Division Administrator, Honolulu, Hawaii.

[FR Doc. 81-27205 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-22-M

## Federal Railroad Administration

### Off-Corridor Freight Diversion Project Between Washington, D.C., Philadelphia, PA, and Newark, New Jersey; Draft Environmental Impact Statement (DEIS)

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

**SUMMARY:** Section 703(B)(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 853), as amended, requires that the Secretary of Transportation develop plans for alternate Off-Corridor routings of freight traffic over lines along the Northeast Corridor between Washington, D.C. and the New York Metropolitan area, including intermediate points. The Act further specifies that the Secretary may enter into agreements with rail freight carriers and regional transportation agencies to provide for the implementation by such carriers of Off-Corridor routings on such terms and conditions as the parties may agree.

The Federal Railroad Administration has participated in preliminary meetings with local, county, regional and state agencies and interested parties concerning freight diversion. Potential environmental and social impacts of diversion appear to be limited to noise and grade crossing safety impacts along

the off-corridor diversion routes. A meeting will be held in the near future to identify other significant issues and concerns to be addressed in the DEIS.

Preparation of a DEIS requires the evaluation of alternate routes. The alternate routes to be evaluated in the DEIS include the Consolidated Rail Corporation (Conrail) and the Baltimore and Ohio Railroad Company (B&O) routes that generally parallel the Amtrak owned Northeast Corridor; and routings from Alexandria, Virginia to Harrisburg, Pennsylvania, via Manassas, Virginia or Point of Rocks, Maryland, continuing to Kearny, New Jersey via Reading/Allentown, Pennsylvania and/or Lancaster, Pennsylvania. All interested Federal, State and local agencies, private organizations and parties are invited to attend this scoping meeting. For further details, contact Dr. Thomas F. Ferrara, Chief, Resource Allocation and Analysis Division, Office of Intercity Programs, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, commercial telephone number (202)472-5826.

Dated: September 2, 1981.

Louis S. Thompson,  
Associate Administrator, Intercity Programs,  
Federal Railroad Administration.

[FR Doc. 81-27154 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-06-M

## [FRA Waiver Petition Docket HS-81-11]

### Sandersville Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Sandersville Railroad (Sand) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the Sand be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The Sand seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The

petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-11, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before October 15, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).)

Issued in Washington, D.C. on September 9, 1981.

Joseph W. Walsh,  
Chairman, Railroad Safety Board.

[FR Doc. 81-27208 Filed 9-18-81; 8:45 am]  
BILLING CODE 4910-06-M

## National Highway Traffic Safety Administration

[Docket No. IP81-9; Notice 2]

### Chrysler Corp; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition by Chrysler Corporation of Detroit, Michigan to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101-80, *Controls and Displays*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of petition was published on April 23, 1981 and an opportunity afforded for comment (46 FR 23185).

Paragraph S5.2.3 and Table 2 of Standard No. 101-80 require that certain displays on any passenger car manufactured on or after September 1,

1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Chrysler has imported over 1,500 of its 1981 Plymouth Arrow and Dodge Ram 50 pickup trucks, manufactured by Mitsubishi Motors Corporation, since September 1, 1980, in which the turn signal telltale symbols, while arrow-shaped, lacked the barbed arrow configuration specified by the standard. In addition, it imported 50 Plymouth Champ and Dodge Colt vehicles without the identifying symbols for fuel level and coolant temperature, although the gauges were labelled respectively "FUEL" and "TEMP". All vehicles are compliant with Standard No. 101, but noncompliant with Standard No. 101-80. Chrysler argues that use of the previously acceptable configurations creates no safety hazard as they are readily understandable by the public.

One comment was received on the petition from Volkswagen of America, Inc., which supported it.

The agency grants Chrysler's petition. The number of vehicles involved is not significant. The noncompliance creates no misunderstanding and the controls as identified are readily understandable by any vehicle operator. Petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 14, 1981.

Michael M. Finkelstein,  
Associate Administrator for Rulemaking.

[FR Doc. 81-27147 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81-20; Notice 1]

### Dunlop Tire Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

The Dunlop Tire Company of Buffalo, New York has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New*

*Pneumatic Tires—Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

Paragraph S4.3 requires that the sidewalls of each passenger car tire be labeled with, among other information, the generic name of the cord material used in the plies, and the actual number of plies in the sidewall and tread areas. Because of an erroneous mold, Dunlop produced 1485 G78-15 and L78-15 REMINGTON CUSHION AIRE BELTED tires, one sidewall of which contains the words "4 ply polyester" in addition to the correct marking for bias-belted tires. Petitioner states that the tire is clearly marked "BELTED" and is correctly labeled in all other respects.

For this reason, the company argues that its noncompliance is inconsequential as it relates to motor vehicle safety, noting that the tires otherwise comply with Standard No. 109.

Interested persons are invited to submit written data, views and arguments on the petition of Dunlop Tire Company described above. Comments should refer the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested, but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: October 21, 1981.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 11, 1981.

Michael M. Finkelstein,  
Associate Administrator for Rulemaking.

[FR Doc. 81-27146 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-59-M

## Research and Special Programs Administration

### International Standards on the Transport of Dangerous Goods; Public Meeting

**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the venue and proposed agenda for a public meeting which will review the recent activities of the MTB relating to the development of international standards for the transport of dangerous goods.

**DATE:** October 21, 1981, 9:30 a.m. to 4:00 p.m.

**ADDRESS:** Room 6332, Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202-426-0656).

**SUPPLEMENTARY INFORMATION:** Particular topics to be reviewed at this meeting will include:

1. Results of the August 1981 meeting of the Group of Rapporteurs of the United Nations' Committee of Experts on the Transport of Dangerous Goods concerning performance standards for packagings.
2. Status of the development of the International Civil Aviation Organization's (ICAO) dangerous goods regulations.
3. Results of the October 1981 meeting of the United Nations' Group of Experts on Explosives.
4. Recent decisions of the RID/ADR Joint Meeting with respect to the packaging and classification of dangerous goods. Interested persons are

invited to attend and participate in this meeting.

Issued in Washington, D.C. on September 15, 1981.

Alan I. Roberts,  
Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-27439 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-60-M

### Saint Lawrence Seaway Development Corporation

#### Advisory Board, Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 10:00 a.m., October 2, 1981 in Room 301, 800 Independence Avenue S.W., Washington, D.C. The agenda for this meeting only will be limited to a public hearing on the proposed revision of the Joint United States-Canada Tariff of Tolls for the Saint Lawrence Seaway.

Attendance is open to the interested public. Persons or organizations desiring to present testimony at the hearing shall submit to the Corporation on or before September 25, 1981, a written notice of their intention to appear. Oral presentations at this hearing will be limited to 15 minutes but may be supplemented with written material.

Details of the proposed modifications of the Joint Seaway Tariff of Tolls were published in the Federal Register (46 FR 45318) on September 10, 1981. Additional information may be obtained from Robert D. Kraft, Director of Plans and Policy Development, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202-426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C., on September 15, 1981.

D. W. Oberlin,  
Administrator.

[FR Doc. 81-27401 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-61-M

## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 81-250, Customs Delegation Order No. 63]

#### Customs Establishes Order of Succession of Persons To Act as Commissioner of Customs

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 FR 2875), it is hereby ordered that the following officers of the U.S. Customs Service in the order of succession enumerated, shall act as Commissioner of Customs, in the event of an enemy attack or during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs
2. The Assistant Commissioner (Border Operations)
3. The Assistant Commissioner (Commercial Operations)
4. Comptroller
5. The Assistant Commissioner (Management Integrity)

By virtue of authority vested in me by said Treasury Department Order No. 129 (Revision No. 2), and Treasury Department Order No. 165, Revised (T.D. 5364; 19 FR 7241), there is hereby delegated to the Regional Commissioners of Customs, District Directors of Customs, and Port Directors of Customs, in the event of an enemy attack on the continental United States, authority to perform any function of the Commissioner of Customs which is necessary to insure continuous performance of essential functions otherwise assigned to such officers. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

This order supersedes Customs Delegation Order No. 62, dated January 6, 1981 (T.D. 81-8; 46 FR 2765).

Dated: September 15, 1981.

William von Raab,  
Commissioner of Customs.

[FR Doc. 81-27400 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-22-M

# Sunshine Act Meetings

Federal Register

Vol. 46, No. 182

Monday, September 21, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

	Items
Equal Employment Opportunity Commission .....	1, 2, 3
Federal Deposit Insurance Corporation .....	4, 5
Federal Energy Regulatory Commission .....	6
Federal Home Loan Bank Board .....	7
Federal Maritime Commission .....	8
National Credit Union Administration .....	9
Securities and Exchange Commission .....	10

### 1

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

**DATE AND TIME:** 2:30 p.m. (eastern time), Friday, September 18, 1981.

**PLACE:** Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

**STATUS:** Part will be open to the public and part will be closed to the public.

#### MATTERS TO BE CONSIDERED: Open:

1. Proposed Annual Report by EEOC's Office of Interagency Coordination.
2. Report on Commission Operations by the Executive Director.

#### Closed:

Litigation Authorization; General Counsel Recommendations.

**Note.**—Any matter not discussed or concluded may be carried over to a later meeting.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 11, 1981.

[S-1425-81 Filed 9-18-81; 8:45 am]  
BILLING CODE 6570-06-M

### 2

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

#### "FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 2:30 p.m. (eastern time), Friday, September 18, 1981.

**CHANGES IN THE MEETING:** The following items were postponed at the September 15, 1981, meeting and rescheduled for this agenda:

1. Recommended Tribal Employment Rights Office (TERO) FY '81 Contract Extensions.
2. Eight Proposed Contracts for Services Needed in Connection with Litigation Matters.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 16, 1981.

[S-1424-81 Filed 9-17-81 12:17 pm]

BILLING CODE 6570-06-M

### 3

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

**DATE AND TIME:** 1 p.m. (eastern time), Tuesday, September 22, 1981.

**PLACE:** Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW, Washington, DC. 20506.

**STATUS:** Part will be open to the public and part will be closed to the public.

#### MATTERS TO BE CONSIDERED: Open.

1. Freedom of Information Act Appeal No. 81-7-FOIA-17-MM, concerning copies of charges filed against an employer under Title VII and the ADEA.
2. Freedom of Information Act Appeal No. 81-6-FOIA-189, concerning an intra-agency memorandum relating to the Age Discrimination in Employment Act.
3. Two proposed contracts for services needed in connection with court cases.
4. Amendments to Announcement of Systems of Records required by the Privacy Act.
5. Proposed Final certification regulations for 706 State and Local Agencies.
6. FEP Agencies proposed for certification.
7. Proposed Certified FEP Agency Charge Review Manual.
8. EEOC's 15th Annual Report.
9. Proposed section 607 of Volume II of the Compliance Manual, Affirmative Action.
10. Proposed section 615 of Volume II of the Compliance Manual, Harassment.
11. Proposed section 619 of Volume II of the Compliance Manual, Dress and Grooming Standards.
12. Proposed section 622 of Volume II of the Compliance Manual, Citizenship, Residency Requirements, Aliens and Undocumented Workers.
13. A report on Commission Operations by the Executive Director.

#### Closed:

1. Litigation Authorization; General Counsel Recommendations.

**Note.**—Any matter not discussed or concluded may be carried over to a later meeting.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 16, 1981.

[S-1423-81 Filed 9-17-81; 12:16 pm]

BILLING CODE 6570-06-M

### 4

#### FEDERAL DEPOSIT INSURANCE CORPORATION.

#### Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 11:00 a.m. on Tuesday, September 15, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven day's notice to the public, of the following matters:

Application of Gateway Western Bank, a proposed new bank in organization, to be located at 1172 West Ramsey Street, Banning, California, for Federal deposit insurance and for consent to acquire the assets of and assume the liability to pay deposits made in the Banning branch of First Trust Bank, Ontario, California. Recommendation regarding the liquidation of bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets: Case No. 44,918-SR—American Bank & Trust Company, New York, New York

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 11:30 a.m. the same day the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,892-L—First Augusta Bank & Trust Company, Augusta, Georgia

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(9)(B) and (c)(10)).

By the same majority vote, the Board also tabled a memorandum and resolution regarding amendments to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks," and rescheduled that matter for consideration by the Board, without further notice to the public, at its open meeting to be held at 2:00 p.m. on Monday, September 21, 1981, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: September 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-1416-81 Filed 9-16-81; 4:32 pm]

BILLING CODE 6714-01-M

## 5

### FEDERAL DEPOSIT INSURANCE CORPORATION.

#### Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the following matter previously scheduled for consideration at the open meeting of the Corporation's Board of Directors to be held at 2:00 p.m. on Monday, September 21, 1981, will be withdrawn from the agenda for consideration at the meeting:

Memorandum and Resolution re: Proposed amendments to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks."

No earlier notice of the change in the subject matter of the meeting was practicable.

Dated: September 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-1422-81 Filed 9-17-81; 11:40 am]

BILLING CODE 6714-01-M

## 6

### FEDERAL ENERGY REGULATORY COMMISSION.

September 16, 1981.

TIME AND DATE: 10 a.m., September 23, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

#### CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb,  
Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—732nd Meeting,  
September 23, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3005, W.P.B. Power, Inc.;  
Project No. 3139, Northern Wasco County  
People's Utility District.

CAP-2. Project No. 3246-000, Missouri Joint  
Municipal Electric Utility Commission;  
Project No. 3800-001, City of Waterloo, Ill.

CAP-3. Project No. 3262, Modesto Irrigation  
District

CAP-4. Project No. 943, Public Utility District  
No. 1 of Chelan County, Wash.

CAP-5. Project No. 2338, Consolidated Edison  
Co. of New York, Inc.

CAP-6. Project No. 3473, Jack M. Fuls; Project  
No. 3784, Central Oregon Irrigation District,  
et al.

CAP-7. Project No. 3789, Enagenics; Project  
No. 4535, Truckee-Carson Irrigation District

CAP-8. Project No. 2882, Village of  
Saugerties, N.Y.

CAP-9. Project No. 2791, Clark County Joint  
Operating Agency; Project No. 935, Pacific  
Power & Light Co.

CAP-10. Docket No. ER81-660-000, Central  
Vermont Public Service Corp.

CAP-11. Docket No. ER81-659-000, Public  
Service Co. of N.H.

CAP-12. Docket No. ER81-651-000, Northern  
States Power Co. of Minnesota

CAP-13. Docket Nos. ER81-504 and ER80-  
363, Delmarva Power & Light Co.

CAP-14. Docket Nos. ER78-517 and ER78-  
360, Connecticut Light & Power Co.

CAP-15. Docket No. ER81-199-000, Central  
Telephone & Utilities Corp.

CAP-16. Docket No. ER79-277, Middle South  
Services, Inc.

CAP-17. Docket Nos. ER81-70-000 and ER81-  
71-000, New England Power Co.

#### Consent Miscellaneous Agenda

CAM-1. Docket No. GP-81-23-000, State of  
New Mexico, et al., Section 108 NGPA  
determination, El Paso Natural Gas Co.,  
Farmington Com #1 Well et al., JD-14802,  
et al.

CAM-2. Docket No. GP-81-21-000, U.S.  
Geological Survey/Casper, Wyo., Section

102 NGPA determination, Davis Oil Co.,  
Hay Reservoir Unit No. 10 Well, USGS  
Docket No. W1212-9, FERC Control No. ,  
JD80-24269.

CAM-3. Docket Nos. GP81-30-000, U.S.  
Geological Survey, Casper, Wyo., Section  
108 NGPA determination, Midlands Gas  
Corp., FERC Control No. JD81-19731, et al.

CAM-4. Docket No. RM79-70 (Texas-9  
addition), high-cost gas produced from tight  
formations

CAM-5. Docket No. RM79-76 (Pennsylvania-  
1), high-cost gas produced from tight  
formations

CAM-6. Docket No. ES81-77-000, Gulf States  
Utilities Co.

CAM-7. Docket No. SA80-88, Rochester Gas  
& Electric Corp.

#### Consent Gas Agenda

CAG-1. Docket No. TA82-1-31-000, (PGA82-  
1, IPR82-1), Arkansas Louisiana Gas Co.

CAG-2. Docket No. TA82-1-32-000, (PGA82-  
1, IPR82-1), Colorado Interstate Gas Co.

CAG-3. Docket No. TA82-1-33-000, (PGA82-  
1, IPR82-1, TT82-1, AP82-1), El Paso  
Natural Gas Co.

CAG-4. Docket No. TA82-1-34-000, (PGA82-  
1, IPR82-1), Florida Gas Transmission Co.

CAG-5. Docket No. TA82-1-42-000, (PGA82-  
1, IPR82-1, TT82-1), Transwestern Pipeline  
Co.

CAG-6. Docket No. RP81-47-001, Northwest  
Pipeline Corp.

CAG-7. Docket No. RP81-130-000,  
Transwestern Pipeline Co.

CAG-8. Docket Nos. RP81-134-000 and RP81-  
135-000, Natural Gas Pipeline Co. of  
America

CAG-9. Docket No. RP81-82-000, Columbia  
Gulf Transmission Co.; Docket No. RP81-  
83-000, Columbia Gas Transmission Corp.

CAG-10. Docket No. CI81-364-000, Shell Oil  
Co.; Docket No. CI77-46-001, Exxon Corp.;

Docket No. CI81-392-000, Exxon Corp.;

Docket Nos. CI81-79-000, and (CI69-907),  
Anadarko Production Co.; Docket No.

CI81-388-000, Conoco Inc.; Docket Nos.

G13324 and G-17047, Mobil Oil Corp.;

Docket No. CI81-429-000, Arco Oil & Gas  
Co., Division of Atlantic Richfield Co.;

Docket No. CI81-220-001, Koch Industries,  
Inc.

CAG-11. Docket No. CP75-104, (amendment  
of certificate), High Island Offshore  
System; Docket No. CP76-118, (amendment

of certificate), U-T offshore system

CAG-12. Docket No. CP81-75-000,  
Transcontinental Gas Pipe Line Corp. and

Northern Natural Gas Co., a Division of  
Internorth, Inc.; Docket No. CP81-235-000,

Southern Natural Gas Co.,  
Transcontinental Gas Pipe Line Corp.,

Natural Gas Pipeline Co. of America,  
Northern Natural Gas Co., a Division of

Internorth, Inc.; Docket No. CP81-223-000,  
Transcontinental Gas Pipe Line Corp.

CAG-13. Docket No. CP79-84-003, CP79-84-  
004, and CP79-84-005, Panhandle Eastern  
Pipe Line Co.

CAG-14. Docket No. CP77-453-001,  
Transcontinental Gas Pipe Line Corp.

CAG-15. Docket No. CP81-220-000, Northern  
Natural Gas Co., Division of Internorth, Inc.

- CAG-16. Docket No. CP81-208-000, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
- CAG-17. Docket No. CP61-75, Northern Natural Gas Co., a division of Internorth, Inc.
- CAG-18. Docket No. ST80-4-001, the Nueces Co.
- CAG-19. Docket No. ST81-260-000, Mustang Fuel Corp.

**Regular Power Agenda****I. Licensed Project Matters**

P-1. Reserved

**II. Electric Rate Matters**

- ER-1. Docket Nos. ER81-645-000 and ER81-646-000, New England Power Co.
- ER-2. Docket No. ER79-126, Arizona Public Service Co.
- ER-3. Docket No. ER78-338 (phase I and phase II), Public Service Co. of New Mexico
- ER-4. Docket Nos. ER77-578 and ER80-259, Kansas Gas & Electric Co.
- ER-5. Docket No. ER78-522, Virginia Electric & Power Co.
- ER-6. Docket No. E-9206, McDowell County Consumers Council, Inc. v. American Electric Power Co., et al.
- ER-7. Docket No. ID1424, Edwin I. Hatch

**Regular Miscellaneous Agenda**

M-1. Reserved

M-2. Reserved

- M-3. Docket No. RM80-18, treatment under the incremental pricing program of natural gas used in the manufacturing process for fertilizer, agricultural chemicals, animal feed, or food
- M-4. Docket No. GP80-9, Equitable Gas Co.

**Regular Gas Agenda****I. Pipeline Rate Matters**

- RP-1. Docket No. RP81-72-000, Gas Research Institute
- RP-2. Docket Nos. G-11980, et al., RP67-23, et al., and RP73-113, et al., Tennessee Gas Pipeline Co.

**II. Producer Matters**

CI-1. Reserved

**III. Pipeline Certificate Matters**

- CP-1. Docket No. CP78-532, Ozark Gas Transmission System
- CP-2. Docket No. CP81-388-000, Northwest Canadian Gas Sales Co.; Docket No. CP78-123, et al., Northwest Alaska Pipeline Co.

Kenneth F. Plumb,  
Secretary.

[S-1421-81 Filed 9-17-81; 10:33 am]

BILLING CODE 6450-85-M

**7****FEDERAL HOME LOAN BANK BOARD.**

"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT: 46 FR 45851,  
Tuesday, September 15, 1981.

**PREVIOUSLY ANNOUNCED TIME AND DATE  
OF MEETING: 10 a.m., Thursday,  
September 17, 1981.**

**PLACE: 1700 G Street, N.W., board room,  
sixth floor, Washington, D.C.**

**STATUS: Open meeting.**

**CONTACT PERSON FOR MORE  
INFORMATION: Mr. Marshall (202-377-  
6679).**

**CHANGES IN THE MEETING: The bank  
board meeting scheduled for Thursday,  
September 17, 1981 has been cancelled.**

[No. 539, September 17, 1981.]

[S-1420-81 Filed 9-17-81; 9:40 am]

BILLING CODE 6720-01-M

**8****FEDERAL MARITIME COMMISSION.**

**TIME AND DATE: 9 a.m., September 25,  
1981.**

**PLACE: Hearing Room One, 1100 L  
Street, NW., Washington, D.C. 20573.**

**STATUS: Open.**

**MATTERS TO BE CONSIDERED:**

1. Petition of the Household Goods Forwarders Association of America Rate Agreement for exemption from the requirements of Commission General Order 7 regarding independent policing authority.
2. Petition for total exemption from Commission General Order 7 or in the alternative to allow the Mover's & Warehousemen's Association of America to serve as the policing authority for the International Mover's Rate Agreement and Agreement No. 8530-4: Modification of the International Mover's Rate Agreement to conform to General Order 7, Revised.
3. The International Household Goods Rate Agreement, the U.S. Hawaii/Puerto Rico/Guam Household Goods Rate Agreement and the U.S. Alaska Household Goods Rate Agreement: Petitions for total exemption from self-policing requirements or in the alternative, petitions for exemption from the independent policing authority requirement of Commission General Order 7.
4. Agreement No. 10159-10: Application to modify and restate the American West African Freight Conference Berth Rationalization Agreement.
5. Agreement No. 10360-1: Amendment to the Mediterranean/U.S. Pacific Coast Force Majeure Agreement to extend its term of approval for three years.
6. Agreement No. 9925-3: Extension of the term of approval of the Pacific America Container Express Service.
7. Docket Agreement No. 81-34: California Freight Specialists West Coast/Puerto Rico Tariff FMC-F No. 2—Consideration of the record.

**CONTACT PERSON FOR MORE  
INFORMATION: Francis C. Hurney,  
Secretary, (202) 523-5725.**

[S-1419-81 Filed 9-17-81; 9:40 am]

BILLING CODE 6730-01-M

**9****NATIONAL CREDIT UNION  
ADMINISTRATION.**

**TIME AND DATE: 2 p.m., Thursday,  
September 24, 1981.**

**PLACE: Seventh floor board room, 1776 G  
Street N.W., Washington, D.C.**

**STATUS: Open.**

**MATTERS TO BE CONSIDERED:**

1. Review of Central Liquidity Facility lending rate.
2. Final Rules—Part 701.35—Share, Share Draft and Share Certificate Accounts.
3. Proposed amendment to Part 747 of NCUA Rules and Regulations implementing Equal Access to Justice Act.
4. Policy statement on enforcement of the Equal Credit Opportunity and Fair Housing Acts.
5. Release of Consumer Examination Reports.
6. Proposed rule to remove the Accounting Manual from incorporation by reference into the NCUA Rules and Regulations.
7. Interpretive Ruling and Policy Statement on full and fair disclosure requirements.
8. Proposed amendment to Federal Credit Union Bylaws and Delegation of Authority to approve similar requests by Community Development Credit Union Program participants.
9. Reports of actions taken under delegations of authority.
10. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

**RECESS: 3:15 p.m.**

**TIME AND DATE: 3:30 p.m., Thursday,  
September 24, 1981.**

**PLACE: Seventh floor board room, 1776 G  
Street N.W., Washington, D.C.**

**STATUS: Closed.**

**MATTERS TO BE CONSIDERED:**

1. Administrative Adjudication. Closed pursuant to exemptions (8) (9)(A)(ii) and (10).
2. Administrative action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (10).
3. Proposed merger. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Proposed policy on special assistance under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

**FOR MORE INFORMATION CONTACT:  
Rosemary Brady, Secretary of the Board;  
Telephone (202) 357-1100.**

[S-1427-81 Filed 9-17-81; 2:44 pm]

BILLING CODE 7535-01-M

**SECURITIES AND EXCHANGE COMMISSION.**

**"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT:** 46 FR 45060;  
September 9, 1981.

**STATUS:** Closed meeting.

**PLACE:** Room 825, 500 North Capitol  
Street, Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:**  
September 4, 1981.

**CHANGES IN THE MEETING:** Additional  
items. The following items will be  
considered at a closed meeting  
scheduled for Thursday, September 17,  
1981, following the 10:30 a.m. open  
meeting:

Institution of administrative proceeding of an  
enforcement nature and injunctive action.  
Regulatory matter regarding financial  
institutions.

Chairman Shad and Commissioners  
Loomis, Evans and Longstreth  
determined by vote that Commission  
business required consideration of these  
matters and that no earlier notice  
thereof was possible.

At times changes in Commission  
priorities require alternation in the  
scheduling of meeting items. For further  
information and to ascertain what, if  
any, matters have been added, deleted  
or postponed, please contact: Arthur C.  
Delibert at (202) 272-2467.

September 16, 1981.

[S-1420-81 Filed 9-17-81; 12:35 pm]

**BILLING CODE 8010-01-M**

சென்னை

# Department of the Interior

## Regulatory and Small Operator Programs; Financial Assistance

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 725 and 735****Procedures for Regulatory and Small Operator Assistance Program; Financial Assistance**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Surface Mining is proposing to amend 30 CFR Parts 725 and 735 which set forth the procedures for the submission, review, approval or disapproval, monitoring and reporting of financial assistance to the States for grants to implement the initial regulatory program, the permanent regulatory program, and the Small Operator Assistance Program. OSM has drafted these revisions in order to comply fully with directives of the Office of Management and Budget (OMB), to improve financial accountability of the expenditure of tax dollars, and to make modifications to improve the efficiency of the program based on experience over the past four years.

**DATES:** A public hearing on the proposed amendment will be held in Washington, D.C. on October 13, 1981 at the address listed below. Comments must be received at the address listed below on or before October 21, 1981 no later than 5:00 p.m.

**ADDRESSES:** Written comments must be mailed or hand-delivered to: Office of Surface Mining, U.S. Department of the Interior, Administrative Record (S&F-07), Room 153, 1951 Constitution Avenue, NW, Washington, D.C. 20240.

The hearing will be held at the Department of the Interior Auditorium, 18th and C Streets, NW, Washington, D.C.

All comments will be available for review at: Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 153, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone (202) 343-4225.

**SUPPLEMENTARY INFORMATION:**

1. The public hearing on the proposed regulations will be held at the address and on the date specified above under

"Dates" and "Addresses" and will begin at 9:30 a.m. local time.

Individual testimony at this hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing by giving them an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. Advance submissions should be sent to Mr. Carl C. Close, Assistant Director, at the above address. The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

2. On December 13, 1977, OSM published in the Federal Register (42 FR 62704-62710) its policies and procedures for providing financial assistance to States for enforcing the initial regulatory program, developing State program submissions, administering and enforcing State regulatory programs (including the Small operator Assistance Program), and administering cooperative agreements for State regulation of surface coal mining and reclamation operations on Federal lands. Minor changes were made to these regulations on January 14, 1980 (45 FR 2804 and May 23, 1980 (45 FR 34879)).

OSM now is proposing to revise the existing grant application and reporting requirements and make several minor changes clarifying portions of the existing regulations. The current regulations do not fully comply with OMB Circular No. A-102, "Uniform administrative requirements for grants-in-aid to State and local governments." The proposed rules revise the current regulations to be consistent with the procedures specified in OMB's circular and with practices recommended by OMB. Also, in administering the grant programs over the past four years, OSM has determined the need to revise certain regulations to clarify requirements or to improve OSM's ability to insure that grant funds are

utilized for the authorized purposes. The proposed changes are discussed below.

3. *Section 725.4 Responsibility.* Sections 725.4(b) and 735.4(b) of the existing regulations delegate responsibility to the Regional Director for the review and approval of grant applications. As revised these Sections provide that the "Director or his authorized designee" will be responsible for the review and approval of grants. Removal of the explicit reference to the "Regional Director" in these two Sections and elsewhere throughout 30 CFR Parts 725 and 735 is necessary as a result of OSM's reorganization which calls for the elimination of Regional Director positions. However, for as long as any of the regional offices remain in existence, the Regional Director shall be the "authorized designee" of the Director to receive, review and approve grants.

4. *Section 725.14 Grant periods.* In the first sentence of this section and in corresponding § 735.17 the word "normally" has been inserted between the words "shall" and "approve." At the end of the second sentence the words "amendments to the existing grant" have been added. These revisions are in recognition of the occasional need to extend the grant period beyond one year. While OSM does not anticipate that deviation from the one year grant period will be necessary in many cases, situations may occur where an extension is warranted. For example, a State that has encountered unavoidable delays in preparing its application package for a continuation grant may need an extension of the existing grant period in order to avoid an interruption in its funding.

5. *Section 725.15 Grant application procedures.* Section 725.15(a) and corresponding § 735.18(a) have been revised by redefining the grant application submission deadline for the second and successive grants as "sixty days prior to the beginning of the intended grant period." The existing language defines the application deadline as September 1 of each year. While OSM is working towards a standardization of the grant cycle, flexibility in application procedures is needed to permit the grant period to be defined by the expiration of the current grant rather than by a fixed point in time.

In § 725.15(b) and in corresponding § 735.18(b), the reference to the "short form application for non-construction programs" has been replaced with a reference to "application form and procedures specified by OSM in accordance with Office of Management

and Budget (OMB) Circular No. A-102, 'Uniform administrative requirements for grants-in-aid to State and local governments.' The short form application does not fully comply with OMB requirements. Revised grant application procedures have been developed and submitted to OMB for approval. Meetings were held by OSM to present the proposed application procedures to all States that would be affected. States were invited to comment on the proposals and revisions suggested by them were given consideration in drafting the material submitted to OMB. The revised form numbers will be incorporated into the regulations as soon as OMB approval has been obtained.

OSM's proposed grant application form and procedures are a modification of those prescribed by OMB Circular No. A-102; the deviation, however, is minor. The new application package would supersede that presently used to submit budget data and justify proposed expenditures. The primary difference is the requirement that applicants tie an agency's estimated costs for personnel, travel, equipment and other object classes to program functions (e.g. permitting, inspection and enforcement, and SOAP). Applicants would also be required to project total costs for each program function on a semi-annual basis. OSM has determined the rule changes are necessary to comply with OMB requirements, to enable OSM to implement properly its management responsibilities, and to allocate grant funds more judiciously.

In the introductory paragraph of § 725.15(c) and of corresponding §§ 735.18(c), and 735.18(d) the words "Part III of the standard application" have been deleted, for they refer to the short form application. As explained in the paragraph above, use of the short form will be discontinued for non-construction programs.

Section 725.15(c)(7) and corresponding § 735.18(d)(2) have been amended by inserting \$500 instead of \$1000. The existing regulation requires the grant applicant to supply a breakdown of equipment with a unit acquisition cost of over \$1000 proposed to be purchased with grant funds. The proposed change from \$1000 to \$500 is needed to comply fully with the requirements of OSM policy approved by OMB concerning the definition of nonexpendable personal property.

Section 725.15(d) gives the Regional Director discretion to waive the information requirements of Paragraphs (c)(2), (c)(3) and (c)(4) of § 725.15 in applications for second or third reimbursement requirements. The

proposed rule amends the existing regulations by inserting "(c)(1)" after the word "paragraphs" and before "(c)(2)." This insertion corrects an inadvertent omission in the drafting of the original rule. Also, in the proposed rule "following grants" replaces "second and third grants." Several States have applied for their fourth reimbursement grant as court suits or other factors have delayed implementation of their permanent programs for periods longer than OSM anticipated when promulgating the original rule.

**6. Section 725.17 Grant Amendments.** The introductory sentence of § 725.17(b) and of corresponding § 735.20(b) has been amended by deletion of the words "by certified mail, return receipt requested." OSM has determined that notification by States of proposed changes which require a grant amendment need not be sent by certified mail. The proposed revision is intended to eliminate an unnecessary expenditure of State funds.

Section 725.17(d) and corresponding § 735.20(d) have been reworded slightly to clarify the exact date an amendment becomes effective and the period of time for which it applies. OSM has determined that the existing regulation is somewhat ambiguous.

**7. Section 725.19 Audit.** Section 725.19 has been modified to require an agency to arrange for an independent audit no less frequently than once every two years. The existing regulation calls for the U.S. Department of the Interior Office of Audit and Investigation to arrange for audits as appropriate. The proposed revision is needed to comply with the requirements of OMB's Circular No. A-102, Attachment P.

**8. Section 725.23 Reports.** Section 725.23 and corresponding § 735.26 have been modified by requiring grant recipients to report semi-annually rather than annually. In addition, language has been added to require grantees to meet OSM reporting requirements as well as those specified in OMB Circular No. A-102. In the proposed regulation "financial report" replaces "Financial Status Report," as that standard form would no longer be used to report construction grant activities; however, it would continue to be used for non-construction activities. OSM's proposed reporting requirements have been submitted to OMB for approval. Meetings were held with all States that would be affected to present the proposed procedures. Comment on the proposals was invited and revisions suggested by the States given consideration in drafting the new instructions. The revised form numbers will be incorporated in the regulations

as soon as OMB approval has been obtained. The revised procedures propose the use of a financial status report requiring grant recipients to provide a functional breakdown of expenditures. Accompanying the financial report would be a performance report comparing the planned goals for the various budget functions with actual achievements. The proposed rules revise the current regulations to be consistent with the procedures specified in OMB's circular and with practices recommended by OMB. In administering the grant programs over the past four years, OSM has determined that the proposed revisions are necessary to insure that grant funds are utilized for the authorized purposes. A standardization in the performance report will enable OSM to compare data from the various State agencies for systemic reporting to Congress. Requiring agencies to report expenditures by functional categories and to compare planned goals with actual accomplishments will enable OSM to assess more accurately the relationship between financial assistance and program performance.

**9. Section 735.1 Scope.** The proposed revision at § 735.1 consists of the addition of a new paragraph (d) to establish that the grant application and reporting procedures set forth at Part 735 apply to grants that fund the Small Operator Assistance Program (SOAP) described under Part 795. This revision is needed as a cross-reference to § 795.11(b) which prescribes States that elect to administer the SOAP may submit a grant application for funding of the program under the procedures of 30 CFR Part 735.

**10. Section 735.4 Responsibility.** See discussion above under § 725.4(b).

**11. Section 735.13 Submission of estimated annual budgets and allocation of funds.** Paragraphs (a) and (b) of § 735.13 have been revised in order to require that an agency intending to apply for any type of grant submit a projection of its program budget 18 months prior to the Federal fiscal year for which the grant will be requested. The existing regulation does not prescribe a deadline by which the budget projection be submitted when an agency is intending to apply for a program development grant or a SOAP grant. The proposed revision is needed in order to enable OSM to obtain comprehensive information on its budget needs for presentation to Congress.

Section 735.13(c)(2) addresses the allocation of funds in cases where insufficient monies have been

appropriated to cover grant needs. The words "requested and approved" have been inserted in two places to clarify that the formula for allocating available funds gives consideration only to those agencies' requested budgets that have been approved by OSM.

Section 735.13(c)(4) has been amended by substituting the word "primarily" for "only" before the identification of the agencies to which OSM shall reallocate any funds not requested by agencies as of June 1. In most cases, funds will be reallocated to those agencies which have received less than the allowable percentage of their eligible costs; however, in some cases reallocation of funds to an agency in some other category may be appropriate such as to an agency that had not previously applied for a grant. The proposed revision would provide OSM with the necessary discretion.

Section 735.13(c)(5) has been modified by deleting the words "on July 1" following the phrase "Agencies which are allocated additional funds." The date has been dropped because reallocation of funds may take place before as well as after July 1. Likewise, (c)(4) has been modified to delete reference to a specific date.

12. *Section 735.16 Special provision for States with cooperative agreements.* Section 735.16(e)(2) (i) and (ii) have been amended by deleting the references to "Part II" and "Part III" which refer to sections of current application forms that will no longer be used if OMB approves the requested changes. The language substituted for the deleted phrases provides a more general reference to the application format OSM intends to utilize if approved by OMB. See discussion above under § 725.15.

13. *Section 735.17 Grant periods.* See discussion above under § 725.14.

14. *Section 735.18 Grant application procedures.*

Section 735.18(a). See discussion above under § 725.15(a).

Section 735.18(b). See discussion above under § 725.15(b).

Section 735.18(c). See discussion above under § 725.15(c).

Section 735.18(d). See discussion above under § 725.15(c).

In Section 735.18(e) the words "within thirty days" have been deleted following the phrase "The agency may resubmit the application." OSM is proposing this revision in order to remove an unnecessary restriction on an agency's application for grant funds.

15. *Section 735.20 Grant amendments.*

Section 735.20(b). See discussion above under § 725.17(b).

Section 735.20(d). See discussion above under § 725.17(d).

16. *Section 735.26 - Reports.* See discussion above under § 725.23.

The Department of the Interior has determined that this is not a major rule and does not require a regulatory analysis under Executive Order 12291.

The Department of the Interior has also analyzed the possible economic effects to small entities as specified in the Regulatory Flexibility Act and Executive Order 12044. In accordance with 43 CFR Part 14, the Department of the Interior has determined that the proposed rule will not have a significant effect on a substantial number of small entities.

The information collection requirements currently found in 30 CFR 725 and 735 have been approved by the Office of Management and Budget and assigned clearance numbers 1029-0012 and 1029-0013. Amendments to these requirements as proposed in this rule will be submitted to the Office of Management and Budget as required by 44 U.S.C. 3501 and will not become effective until approved by that Office.

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared.

Primary authors of this document are Gene Krueger and Mary Tisdale, State Programs Division, Office of Surface Mining.

Dated: August 3, 1981.

Daniel N. Miller, Jr.,

*Assistant Secretary, Energy and Minerals.*

For the reasons set out in the preamble, Parts 725 and 735, Subchapters B and C, Chapter VII of Title 30, Code of Federal Regulations are proposed to be amended as follows:

1. Throughout Parts 725 and 735 all references to "Regional Director" are changed to read "Director".

## **PART 725—REIMBURSEMENTS TO STATES**

2. Section 725.4(b) is revised to read as follows:

### **§ 725.4 Responsibility.**

(a) \* \* \*

(b) The Director or his authorized designee shall receive, review and approve grant applications under this Part.

3. Section 725.14 is revised to read as follows:

### **§ 725.14 Grant periods.**

The Director shall normally approve a grant for a period of one year or less. OSM shall fund a program that extends over more than one year by consecutive annual grants or amendments to the existing grant.

4. In Section 725.15 Paragraphs (a), (b), the introductory text of (c), (c)(7) and (d) are revised to read as follows:

### **§ 725.15 Grant application procedures.**

(a) The agency may submit its application (three copies) for a grant to the Director no later than March 1, 1970, for the first year, and at least sixty days prior to the beginning of the intended grant period for each future grant.

(b) The agency shall use the application form and procedures applicable to non-construction and/or construction programs specified by OSM in accordance with Office of Management and Budget Circular No. A-102, "Uniform administrative requirements for grants-in-aid to State and local governments" (42 FR 45820). Each application must include the following: application form, standard project approval information, budget, program narrative, and standard assurances. No preapplication is required.

(c) The agency shall include sufficient information to enable the Director to determine the agency's base program and increases over the base program eligible for reimbursement grants. The agency shall include the following information, plus any other relevant data:

\* \* \* \* \*

(7) The number and types of major equipment (equipment with a unit acquisition cost of \$500 or more and have a life of more than two years) which the State plans to purchase with grant funds.

(d) The Director may waive the resubmission of information required by paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this section in applications for following grants.

\* \* \* \* \*

5. In Section 725.17 the introduction to paragraph (b) and paragraph (d) are revised to read as follows:

### **§ 725.17 Grant amendments.**

(a) \* \* \*

(b) The agency shall promptly notify the Director in writing of events or proposed changes which require a grant amendment, such as—

\* \* \* \* \*

(c) \* \* \*

(d) The date the Director signs the grant amendment establishes the effective date of the action. If no time period is specified in the grant amendment then the amendment applies to the entire grant period.

6. Section 725.19 is revised to read as follows:

#### § 725.19 Audit.

The agency shall arrange for an independent audit no less frequently than once every two years, pursuant to the requirements of Office of Management and Budget Circular No. A-102. The audits will be performed in accord with the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" published by the Comptroller General of the United States and audit guides provided by the Department of the Interior.

7. Section 725.23 is amended by revising paragraphs (a) and (b) to read as follows:

#### § 725.23 Reports.

(a) The agency shall, for each grant made under this Part, submit semiannually to the Director a financial report (Standard Form 269) on non-construction grant activities in accordance with Office of Management and Budget Circular A-102, Attachment H and OSM requirements. This report shall be accompanied by a performance report comparing actual accomplishments to the goals established for the period, prepared according to Attachment I of OMB Circular A-102 and OSM requirements. The agency shall also submit semiannually a separate financial report (Standard Form 271) and accompanying performance report comparing actual accomplishments with planned goals on grant funded construction activities.

(b) The Director shall require through the grant agreement that semiannual reports also provide the relation of financial information to performance and productivity data, including unit cost information.

### PART 735—GRANTS FOR PROGRAM DEVELOPMENT AND ADMINISTRATION AND ENFORCEMENT

8. In § 735.1 paragraph (d) is added to read as follows:

#### § 735.1 Scope.

(d) Fund the Small Operator Assistance Program established under section 507(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201) and described in Part 795 of this Chapter.

9. Section 735.4 paragraph (b) is revised to read as follows:

#### § 735.4 Responsibility.

(a) \* \* \*

(b) The Director or his authorized designee shall receive, review and approve grant applications under this Part.

10. In § 735.13 paragraphs (a), (b), (c)(2), (c)(4) and (c)(5) are revised to read as follows:

#### § 735.13 Submission of estimated annual budgets and allocation of funds.

(a) Budget summaries for Federal budget. For the fiscal years beginning on and after October 1, 1980, the agency shall submit to the Director 18 months prior to the Federal fiscal year for which the grant will be requested, a projection of its program budget (personnel and fringe benefits, travel, equipment and supplies, contractual, indirect charges, and other), including the costs of administering State-Federal cooperative agreements pursuant to § 211.75 of this title, and any aircraft which the agency proposes to acquire. The Director will use these budget summaries in preparing the Federal budget estimates which he is required to submit.

(b) Updated budget summary. For the fiscal year beginning October 1, 1979, and each year thereafter, the agency shall submit to the Director a current program budget (personnel and fringe benefits, travel, equipment and supplies, contractual, indirect charges, and other) three months prior to the beginning of the Federal fiscal year for which a grant will be requested.

(c)(1) \* \* \*

(2) If the funds available to the Director for grant are insufficient to cover the total grant needs, including cooperative agreement grants, the Director shall allocate the funds available according to the proportion of each requested and approved agency's budget to the total of all agencies' requested and approved budgets.

(3) \* \* \*

(4) The Director shall reallocate any funds which are not requested by agencies as of June 1 of that year. Such funds shall be allocated primarily to those agencies which have received less than the allowable percentage of their eligible costs.

(5) Agencies which are allocated such additional funds may have until August 15 to submit new or revised grant applications for the additional amounts.

11. In § 735.16 paragraphs (d), (e)(2)(i) and (e)(2)(ii) are revised to read as follows:

#### § 735.16 Special provisions for States with cooperative agreements.

\* \* \*

(d) Grant periods. The Director shall normally approve a grant for a period of one year or less. Consecutive annual grants shall be awarded to fund approved programs.

(e)(1) \* \* \*

(2) \* \* \*

(i) A separate budget summary for the costs of the cooperative agreement in the format specified by OSM; and

(ii) A separate narrative, in the format specified by OSM, describing the specific activities required by the cooperative agreement for the period for which the grant is requested.

12. Section 735.17 is revised to read as follows:

#### § 735.17 Grant periods.

The Director shall normally approve a grant for a period of one year or less. Consecutive annual grants shall be awarded to fund approved programs.

13. In Section 735.18 revise paragraphs (a), (b), the introductory text of (c), (d), and (e) to read as follows:

#### § 735.18 Grant application procedures.

(a) The agency shall submit its application (three copies) to the Director at least sixty days prior to the beginning of the intended grant period.

(b) The agency shall use the application form and procedures specified by OSM in accordance with Office of Management and Budget Circular No. A-102. No pre-application is required.

(c) For program development grant applications, agencies shall include:

\* \* \*

(d) For administration and enforcement grants and cooperative agreement grants, agencies shall include:

(1) A description of the specific operations in the approved program which will be implemented during the period for which the grant is requested.

(2) A description and justification of any major equipment (equipment which has a unit acquisition cost of \$500 or more) which the agency proposes to acquire with the grant.

(e) The Director shall notify the agency within thirty days after the receipt of a complete application, or as soon thereafter as possible, whether it is or is not approved. If the application is not approved, the Director shall set forth in writing the reasons for disapproval and may propose modifications if appropriate. The agency may resubmit the application. The Director shall

process the revised application as an original application.

14. In § 735.20 the introduction to paragraph (b) and paragraph (d) are revised to read as follows:

**§ 735.20 Grant amendments.**

(a) \* \* \*

(b) The agency shall promptly notify the Regional Director in writing of events or proposed changes which may require a grant amendment, such as—

(c) \* \* \*

(d) The date the Director signs the

grant amendment establishes the effective date of the action. If no time period is specified in the grant amendment, then the amendment applies to the entire grant period.

15. In Section 735.26 revise paragraphs (a) and (b) to read as follows:

**§ 735.26 Reports.**

(a) The agency shall, for each grant made under this Part, submit semiannually to the Director a financial report in accordance with Office of Management and Budget Circular No.

A-102, Attachment H and OSM requirements. This report shall be accompanied by a performance report prepared according to Attachment I of OMB Circular No. A-102 and OSM requirements.

(b) The Director shall require through the grant agreement that semiannual reports provide the relation of financial information to performance and productivity data, including unit cost information.

[FR Doc. 81-27367 Filed 9-18-81; 8:45 am]

BILLING CODE 4310-05-M

1981

1981

---

Monday  
September 21, 1981

---

**Part III**

**Department of  
Health and Human  
Services**

---

**Social Security Administration**

---

**Aid to Families With Dependent Children**

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Social Security Administration

45 CFR Parts 205, 206, 233, 234, 235, 238, and 239

## Aid to Families With Dependent Children

AGENCY: Social Security Administration, HHS.

ACTION: Interim rule.

**SUMMARY:** These interim regulations implement changes made in the Aid to Families With Dependent Children (AFDC) program by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The statutory changes are generally effective October 1, 1981. The key provisions fall within four basic areas, as follows:

(1) Enable families to move from welfare dependency to job-based self-sufficiency by providing States flexibility to develop work alternatives, including community work experience, provision of jobs instead of welfare, and by letting each State agency, if it so requests, demonstrate its own work incentive (WIN) program.

(2) Target assistance to the neediest by:

- Setting a total income limit of 150 percent of the State's need standard; and
- Standardizing and changing the sequence of the earned income disregards by allowing a standard \$75 disregard; actual child care costs up to \$160 per child, then \$30, then ½ of the remainder. The \$30 and ½ disregards will be applied only to the first 4 consecutive months in which they occur.

(3) In calculating need, count existing sources of income which are available to families but which were previously excluded by:

- Counting the income of a stepparent, after appropriate disregards, to determine the need of stepchild(ren) with whom he or she is living;
- Allowing States to count the value of Food Stamps and housing subsidies an AFDC family receives to the extent this value is duplicated by money for food and housing in the AFDC payment;
- Assuming on an ongoing basis receipt of the advance earned income credit (EIC) for those eligible to receive it;
- Counting income in excess of the State's need standard as available to meet future needs; and
- Treating resources (excluding the home, a reasonably valued car, and at

State option certain basic items essential to day to day living) in excess of \$1,000 equity value (or a lower State-set limit) as available to meet needs, thereby making the family ineligible.

- (4) Improve program administration through requiring:
- Retrospective accounting and monthly recipient reporting;
  - Recovery of overpayments and payment of underpayments to current recipients; and
  - Elimination of payments for amounts less than \$10.

Changes made by these interim regulations are limited to the AFDC program.

**DATES:** This interim rule is effective October 1, 1981, except where the State welfare agency demonstrates to the satisfaction of the Secretary that there are legal barriers under State law to its compliance on that date. In such an event, the Secretary may allow the State, after review, to delay compliance with a given amendment regarding which there is an obstacle until the month after the close of the next session (of any sort) of the State legislature. This is in accordance with Sec. 2321 of Pub. L. 97-35. Your comments will be considered if we receive them no later than (insert 60 days after publication in the Federal Register).

**ADDRESSES:** Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Md. 21203, or delivered to the Office of Family Assistance, Social Security Administration, Room B-428, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20201, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael H. de Maar, Room B-428, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20201, (202) 245-2141.

### SUPPLEMENTARY INFORMATION:

#### Regulatory Procedures

#### *Justification for Dispensing With Notice of Proposed Rulemaking*

These interim regulations are effective October 1, 1981, the effective date required by Pub. L. 97-35. Since the legislation was not signed into law until August 13, 1981, it was not feasible to issue these rules under a Notice of Proposed Rule Making; as this would

have delayed issuance of final rules until well past October 1, 1981. Since the amendments made by Pub. L. 97-35 will require many changes in State AFDC plans and agency procedures, States must have some reasonable assurance that new Federal rules under which these changes are to be implemented will not change in "mid-stream." Furthermore, the State costs of sequential changes in the program because of abrupt changes in Federal rules will be significantly higher than if the changes are made by States in a planned and orderly manner. The only way to assure States that significant changes in Federal policy will not be made after they have begun to implement the provisions of the new statute is to issue interim rules.

In addition, publishing interim rules will permit the State and Federal governments to capture the greatest amount of cost savings from these provisions and this will be to the benefit of the public. We anticipate that the savings to Federal and State governments from prompt implementation of these amendments will be about \$2 billion and represent a substantial factor in the President's efforts to curb inflation and revitalize the economy. Accordingly, we believe that under 5 U.S.C. 553(b)(B) good cause exists for waiver of Notice of Proposed Rulemaking since issuance of proposed rules would be impracticable and not in the public interest.

While notice of proposed rulemaking is being waived, we are interested in comments and advice regarding changes which should be made to these interim rules. We will review any comments on these rules which we receive on or before November 20, 1981, and will publish the final rules with any necessary changes.

#### Consultation

Prior to publication of these interim regulations, we solicited comments on the legislation and suggestions for the regulations from interested parties. These parties included Governors and State legislative associations, State and county welfare administrators, legal service groups, professional and labor organizations, welfare rights groups, public assistance-related organizations, and other Federal agencies. The views of these parties were considered in the development of the regulations and are sought during the comment period as well.

## Regulatory Burden

### *Regulatory Impact Analysis*

We believe that this regulation will have an annual effect on the economy of more than \$100 million. It is therefore a "major rule," as defined in Executive Order 12291, and requires a regulatory impact analysis. This analysis must contain a description of potential benefits and costs and net benefits of the rule (including those that cannot be put into monetary terms) and a description of alternative approaches and their potential costs and benefits. For the reasons stated below, we have not written a separate analysis but instead have incorporated it into the preambles on a section-by-section basis.

The statutory changes which this regulation implements are projected to save the Federal government more than \$6 billion, and State and local governments more than \$5 billion, over the next five years. These savings arise primarily from retargeting scarce resources on those most in need and restricting eligibility to the truly needy.

These reforms will have effects both on AFDC recipients and on the economy as a whole. Their aim is fair allocation of scarce resources among the most needy; cost savings through more efficient program administration, and increased opportunities for work that will be of value both to the recipients and their communities. These statutory changes represent, in the best judgment of the legislative and executive branches of the Federal government, the kinds of reductions of cost and retargeting of benefits that will be the most productive for both recipients and taxpayers. The Secretary, with the concurrence of the General Counsel, has determined in accordance with Executive Order 12291, that these regulations are clearly within the authority delegated by law and are consistent with Congressional intent.

The statute contains numerous provisions affecting the AFDC program. The statutory language is clear in its direction. The provisions with the greatest fiscal effects on Federal and State budgets and on recipients leave little regulatory latitude. For example, receipt of the \$30 and one-third disregard is statutorily limited to four consecutive months; work expense deductions are standardized at \$75 for full-time employment.

Because of the above considerations, this regulatory impact analysis is limited in scope. For purposes of the regulatory impact analysis, there were two areas in the legislation in which there are both regulatory latitude and the effects of adopting different options could

significantly impact on costs and benefits—Determination of Resources and the Community Work Experience Program. We have focused the regulatory impact analysis on the major decisions which were made in these two areas of the regulation. Overall economic effects of adopting different alternatives are small in comparison to the projected economic effects of the statutory changes as a whole. Furthermore, the available information on costs that are expressible in monetary terms is limited to costs to Federal, State and local governments. Because of these limitations, it seems preferable not to prepare a separate analysis, but instead to expand discussions of non-selected options, which would be required independently of whether an impact analysis was undertaken, into cost/benefit tradeoffs as far as this is possible.

### *Regulatory Flexibility Analysis*

The Regulatory Flexibility Act (Pub. L. 96-354) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each particular rule we must publish an initial analysis describing the rule's impact on small business. This analysis should indicate the purpose and reason for the rule, the number of small businesses to which it would apply, anticipated reporting and recordkeeping requirements, possible overlap and conflict with other Federal rules, and a description of possible alternative means of accomplishing the stated objectives which would minimize the impact on small businesses.

The primary impact of this regulation is on State governments and individuals. We do not believe that any provision will have a significant impact on a substantial number of small businesses. The only provision that could conceivably have such an effect is the Earned Income Credit (EIC). Because of this possibility, we have incorporated a regulatory flexibility analysis into the individual discussion of this provision in the preamble.

### *Recordkeeping/Reporting Burden*

The Office of Management and Budget has determined that the following four information collection requirements are subject to review and approval under the Paperwork Reduction Act of 1980 (Pub. L. 96-511): State Plan requirements discussed throughout the regulation, Work Incentive Program (WIN) demonstration provision (Section 205.80), Community Work Experience (WEP) provision (Section 238.64) and monthly reporting (Section 233.36). The Office of Management and Budget has

approved all of these information collection requirements.

### *Discussion of Major Provisions*

A discussion follows of the major AFDC provisions of Pub. L. 97-35 and the options that we considered in developing the implementing regulations. Where appropriate to a particular provision, regulatory impact analysis or regulatory flexibility analysis is included in the discussion of the provision.

### *Prohibition Against Payment of Aid in Amounts Below Ten Dollars (Section 233.20 of Interim Regulations)*

Under the new legislation, State payments of aid to assistance units for any month in which the amount of such payment would be less than \$10 are prohibited.

Several options were reviewed in the development of the implementing regulations. An issue surfaced concerning those States in which payments are made on a "twice-a-month" basis. For example, if an AFDC family is determined eligible to receive a benefit of \$16.00 per month, and the State issues two checks in the month for \$8.00 each, these payments would still be permitted, under the interim regulations since the payments for the month total more than \$10. The important element is whether the amount of the monthly grant which the AFDC family is determined eligible to receive is less than \$10, prior to any adjustment. We believe this interpretation supports the intent of Congress.

A similar issue with respect to issuing checks under \$10.00 arose concerning the recovery of overpayments. For example, an AFDC family is eligible to receive a monthly assistance payment of \$28.00; and the State recovers an overpayment of \$20.00. Under the implementing regulations, since the actual payment for the month prior to any adjustment is more than \$10, the State would issue the \$8.00 check to the AFDC family. The regulations also provide that any AFDC family denied a payment of aid solely because it is under \$10 is deemed to be receiving AFDC for all other purposes except for eligibility to participate in a Community Work Experience Program (CWEP). This means that the family would still be considered eligible for Medicaid, social services, and where appropriate be required to register for the Work Incentive Program (WIN).

*Limitation on AFDC to Pregnant Women (Section 233.90(c)(2) of Interim Regulations)*

Although the prior statute did not directly reference payments to pregnant women for their unborn children, AFDC regulations permitted such payments as a State option. A total of 34 States now make some kind of payments starting at varying stages of the pregnancy.

Under the new statutory provision, money payments with respect to a pregnant woman otherwise eligible for AFDC can begin with the third month prior to the month that it has been medically verified that the child is expected to be born. However, Federal Financial Participation (FFP) is not available to meet the needs of the unborn child, only those of the pregnant woman.

Under the interim regulation, therefore, the State may cover pregnant women with no other children. Under these circumstances the payment would be based on the amount identified in the standard for one adult exclusive of special needs. The payment may not include an amount for the unborn child. Similarly, the monthly assistance paid to an AFDC mother cannot be increased due to the fact that she is pregnant. She already receives a grant for her needs; an incremental increase would, by definition, be for the unborn child.

*Special needs for pregnant women with no other children and those already receiving AFDC.* A State can also provide for a pregnant woman through a special need. Special needs are considered an amount in recognition of a special circumstance that is included as an item in the standard in addition to basic needs. For example, the State may wish to provide in its standard for a special need such as a special diet, a crib, or other items needed to prepare for the birth of the child. As specified in § 233.20(a)(2)(v) of the interim regulations, if the State agency includes such special need items in its standard it must describe those that will be recognized, the circumstances under which they will be included, and provide that they will be considered in the need determination for all applicants and recipients requiring them. This means that such special needs items must be available to all pregnant women, including recipients.

*When coverage for pregnant women begins.* States may not pay pregnant women under this provision until the sixth month of a medically verified pregnancy. For example, for the pregnant woman with no other children, if it has been medically determined that she is expected to deliver her baby in

December, the State may make AFDC payments to that woman as early as September. For the woman who is already on the rolls, and who is expected to deliver her baby in December, the State may increase the existing payment as early as September for any special need identified in the Plan in recognition of her pregnancy. The State must identify in its State Plan when coverage will begin, i.e., in the 6th, 7th, 8th, or 9th month.

*Changes in circumstance.* A premature or late birth will not create an underpayment or overpayment, provided all eligibility conditions were met. The present rule at 45 CFR 206.10(a)(9) relating to changes in circumstances applies to such changes.

Once the child is born, the State will apply its current policy of payment when a child joins the assistance unit in effecting payment for the child.

*Medicaid coverage.* Based on the new statute, in order to provide pregnant women with access to prenatal care during the entire period of pregnancy, States may provide Medicaid coverage to pregnant women (prior to the 6th month of pregnancy and eligibility for a cash benefit) who would qualify for AFDC if the child were born and living with her. This coverage may be provided at any time after the pregnancy has been medically verified.

*Removal of Limit on Restricted Payments (Section 234.60 of Interim Regulations)*

The new statutory provision removes the 20 percent limit on the number of State AFDC cases in which protective, vendor or two-party payments may be made. These determinations will continue to be made according to the existing regulation at 45 CFR 234.60, which describes the special provisions the State must consider before concluding that mismanagement exists, and requires documentation for the case file.

Under the new law and regulations, States, at their option, may also issue protective, vendor, or two-party payments when the recipient voluntarily chooses to have them made. The request must be made in writing and included in the case file. These payments are made without regard to the special provisions applicable to mismanagement situations; and must be discontinued promptly at the written request of the recipient.

*Work Supplementation Program (Part 239 of Interim Regulations)*

The new statutory provision establishes an optional Work Supplementation Program. The purpose

of the program is to allow States to make jobs available to recipients on a voluntary basis, as an alternative to aid otherwise provided under the State plan. States have broad discretion in administering the program. States will set their own eligibility criteria for participation, may adjust need standards, and may operate the program notwithstanding the July 1, 1969 floor for need standards (Section 402(a)(23)), definitions currently used by the State agency (Section 406), statewide need (Section 402(a)(1)), and current earned income disregards (Section 402(a)(8)).

States may use funds accrued from reducing need standards and modifying earned income disregards to help defray the costs of subsidizing employment opportunities. The total amount of program costs that will be matched by the Federal government will be limited based on the formula set forth in the legislation and regulations.

*Eligibility.* The State shall determine which recipients are eligible to participate in the Work Supplementation Program. For purposes of administering the program, determining eligibility and adjusting need standards, a State may develop two or more categories of recipients.

*Adjustment in need standards and payment levels.* Need standards may vary among categories of recipients as the State determines to be appropriate on the basis of ability to participate in the Work Supplementation Program. Need standards in effect in areas of the State with a Work Supplementation Program may be different from the need standards in effect in areas that do not have such a program.

States may also reduce payments to recipients in order to offset increases in benefits from government supported needs related programs and reduce or eliminate the amount of earned income disregarded under the State plan.

A State may make these adjustments in need standards and payment levels prior to providing the recipient of aid with a subsidized job. The number of jobs to be provided through a Work Supplementation Program will be determined by the State. Eligible participants may choose to volunteer for jobs to the extent such jobs are available under a State's program. If the reduction in a State's standard results in no cash assistance payment, this does not affect eligibility for the Work Supplementation Program.

*Matching funds and jobs.* States may subsidize employment opportunities with public agencies administering the State plan, public and non-profit

organizations, and under certain conditions proprietary day care centers.

States are to use money saved from lowering grant levels to subsidize employment opportunities. The amount of Federal funding to cover the cost of subsidizing employment opportunities (known as "program costs" or "cost under the State plan") is limited as stated in the legislation and Federal regulations. The Act limits Federal funding to the amount that would be available to a State under May 1981 standards in the State plan as modified by mandatory Federal law provisions enacted since that date. However, if the number of recipients increased and/or demographic changes occur, the amount available would correspondingly change.

**Wages and conditions of work.** Recipients who take a job under this program will be paid wages which will be treated as earned income for purposes of any other law. A State has discretion in negotiating with an agency hiring recipients under this program as to the wages, hours, benefits, and all other conditions of work including the length of time a subsidized position will be available for recipients.

State welfare agencies and other public agencies hiring recipients under this program are not required at any time to give participants "employee status." Non-profit agencies and proprietary day care centers need not give employee status to a person receiving a subsidized job during the first 13-week period of such person's tenure in such job. States may assign persons receiving a subsidized job for whatever length of time that the State and the job giver deem appropriate. Recipients may be assigned a series of jobs or placed in one job to run for a specified period of time.

A State may provide Medicaid coverage to program participants and their families if such individuals would qualify for such coverage if the State did not have a Work Supplementation Program.

**Participation in other work programs.** A recipient is not excused from the requirements of the Work Incentive (WIN) Program or the Community Work Experience Program (CWEP) because of participation in the Work Supplementation Program. Coordination between the Work Supplementation Program and other work related programs is the responsibility of the States and the State agency administering the Work Supplementation Program.

#### **Training Costs (Section 235.64 of Interim Regulations)**

The Act changes the Federal matching rate for State and local training costs under Title IV-A. Prior to October 1, 1981, the Federal government matched at the rate of 75 percent for the cost of training for State employees. All other administrative expenses were matched at a rate of 50 percent. The new law provides that all expenses related to administration, including training expenses, will be matched by the Federal government at the regular 50 percent rate. The new regulation reflects this change. There are no changes in the coverage of training costs subject to Federal matching.

#### **Unemployed Parents (Section 233.100 of Interim Regulations)**

The Supreme Court ruled in June, 1979, in the case of *Califano v. Westcott*, that section 407 of the Act (Dependent Children of Unemployed Fathers) unconstitutionally discriminated against similarly situated unemployed mothers. The effect of this decision has been that needy, intact families can qualify for welfare when either parent, if otherwise eligible, is unemployed—even if the other parent is employed. The statute at section 407 of the Act and these regulations now provide that only the unemployed principal earner can qualify the family for benefits. The principal earner is whichever of the dependent child's parents, in a home in which both parents of the child live, earned the greater amount of income over the 24-month period immediately preceding the month in which an application is filed for aid because of the parent's unemployment. This designation of a principal earner remains effective for each consecutive month for which the family receives AFDC-UP benefits on that basis. In calculating which parent will be the principal earner, it does not matter when their relationship started or whether, during the 24-month period prior to the date of application, the father and mother were not married to each other or living together. This is solely a test of the amount of earned income each had over the prior 24-month period. A State must use the same method of verification of earnings for AFDC-UP applicants and recipients that it uses for other applicants and recipients.

In the few cases that may arise where both parents earned an identical amount of income, the State shall designate which parent will be considered the principal earner.

The principal earner must still meet all other eligibility requirements of the

AFDC-UP program. As of October 1, 1981, all new AFDC-UP applicants must meet the "principal earner" test for the 24-month period prior to the month of application. With respect to current recipients, States must redetermine each case and apply the principal earner test for the 24-month period prior to the initial month of application. Any finding of ineligibility would be effective October 1, 1981.

States with AFDC-UP programs which previously provided benefits to families in which the parent's unemployment resulted from participation in a labor dispute may no longer provide these benefits. (Also, see preamble and regulation sections on strikers.) The entire family would be ineligible for AFDC if the principal earner does not register for work or training, or refuses to participate in WIN or CWEP without good cause.

The regulation also provides that individuals may earn a quarter of work (to establish attachment to the work force, i.e., 6 of the last 13 quarters) by participating in CWEP under the amended section 409 of the Act and the implementing regulations. The regulation deletes "any other work and training program subject to the limitations in such section 409" as a way to earn a quarter of work. Thus, participation in other work programs—in and of itself—does not confer a "quarter of work" on those participants.

#### **150 Percent Income Limit for Eligibility (Section 233.20(a)(3) of Interim Regulations)**

Under the previous law there was no limit on the amount of gross income a family could have and still be eligible for AFDC. Some families received AFDC even when they had high earnings. In order to limit assistance and ensure benefits for those most in need, the statute provides for an income limit at 150 percent of the State's need standard.

Implementing regulations provide that assistance units with gross income in excess of 150 percent of the need standard are ineligible to receive AFDC.

The first step in determining financial eligibility for AFDC will be to apply the assistance unit's total income, without benefit of the income disregards described in section 402(a)(8) of the Act, against a dollar standard equal to 150 percent of the State need standard for a family of the same size. If the unit has gross income in excess of the 150 percent limit, then they are not eligible. For recipients, if the agency determines that the assistance unit's income expected in a future month will be in excess of the 150 percent limit, the

agency will not make a payment for that month. On the other hand, if the agency has not denied assistance prospectively, and the recipient's report of income during the budget month exceeds the 150 percent limit, the family is ineligible to receive a payment for the corresponding payment month. An assistance unit's gross income includes the income of those individuals who apply for or receive AFDC, the income of the natural, adoptive or stepparents (less applicable disregards in States without a law of general applicability), and any other persons whose income is taken into account in determining the AFDC grant.

*Counting Food Stamps and Housing Subsidies as Income (Section 233.20(a)(3) (xi) and (xii) of Interim Regulations)*

Until enactment of this provision, States were prohibited by the Food Stamp Act from counting the value of food stamps as income in determining eligibility and the amount of the AFDC payment. In recent years, the substantial growth of Federal in-kind assistance programs has led to duplication of benefits at the Federal and State levels. This provision recognizes that overlap and under the implementing regulations States are permitted to reduce the amount of AFDC paid to the extent that the value of the food stamp coupons or housing subsidies duplicates the maximum amount payable under the plan for food or shelter to a family of the same composition with no income.

A State which chooses to implement this provision must specify in its plan how much of its payment standard, by family size, covers food, shelter, or both separately. If a State has adopted a consolidated payment standard and the components are no longer identified, it must define that portion of its consolidated payment standard which is for food and/or shelter by either historical projections or some other reasonable and supportable method. The regulations provide that the agency must determine the AFDC unit's share of food stamps in food stamp households which contain persons not in the assistance unit or similar situations in subsidized housing.

*Assumption of Stepparent Income (Section 233.20(a)(1)(c)(iv) of Interim Regulations)*

The new statute changes considerably how many States treat stepparent income. Under the prior law, the income of a stepparent could not be assumed available to the child unless the State had a law of general applicability holding the stepparent legally responsible to the same extent as the

natural or adoptive parent. Currently, there are six States with laws of general applicability. These States are: Nebraska, New Hampshire, South Dakota, Utah, Vermont, and Washington. In these States, because the stepparent is held legally responsible to support his stepchildren as would be a natural or adoptive parent, no deprivation factor exists whenever the stepparent lives in the same household and is not incapacitated or in some States unemployed. Since no deprivation exists, the family is ineligible. The income of the stepparent living with the child is assumed available under the State plan just as if he or she were a natural or adoptive parent.

While the new statutory provision is silent as to whether it should be applied in States which have laws of general applicability as described above, we believe that Congress did not intend to disturb the way stepparents are treated in these States. The legislative history of this provision suggests that Congress was satisfied with these stepparent procedures and merely intended to require the other States to have minimal procedures for counting stepparent's income when he or she is in the same household as the assistance unit.

Further, support for this view of the statute can be found in the colloquy between Senators Dole and Gorton in the Congressional Record of July 31, 1981. In this discussion, Senator Dole, who was the floor manager of the reconciliation bill, states that the new stepparent statute represented a minimum level of stepparent responsibility and was not intended to weaken procedures in effect in States with laws of general applicability.

Accordingly, the regulation provides that in States which do not have a law of general applicability, the following disregards will be applied to stepparent income before it is counted in reducing the AFDC grant. (1) The first \$75 of the stepparent's gross earned income. The State shall establish a lesser amount for a stepparent who is not employed on a full-time basis or not employed throughout the month if he or she lives in the same household; (2) An additional amount for the support of the stepparent and other individuals who are living in the home, but whose needs are not taken into account in making the AFDC eligibility determination and are claimed by the stepparent as dependents for purposes of determining his or her Federal personal income tax liability. This disregard amount shall equal the State's need standard amount for a family group of the same composition as

the stepparent and the other individuals not in the assistance unit; (3) Alimony and child support payments to individuals not living in the household; and (4) Amounts actually paid by the stepparent to individuals not living in the home but who are claimed by him or her as dependents for purposes of determining his or her Federal personal income tax liability.

The following alternative approaches to several issues were considered but rejected:

Whether the regulation should specify a maximum amount that could be allocated toward the support of a stepparent's dependents living outside the home.

The decision was made that States shall not be allowed to establish a maximum on the basis that: (1) the Act does not set a maximum; (2) stepparents should be able to establish the level of support they wish to provide dependents outside the household; and (3) stepparents should not be prohibited from paying the high cost of care of dependents in institutions such as nursing homes. However, the State is required to disregard only the obligations actually paid by the stepparent.

Whether the regulations should specify how the work expense allowance should be adjusted for stepparents who work less than full-time or who are not employed throughout the month.

The Act requires that stepparents who are working full-time receive a \$75 work expense allowance and gives the Secretary the authority to adjust the allowance for persons working less than full-time. The decision, on which the regulation is based, is to require a disregarded amount less than \$75 for stepparents working less than full-time and permit States to establish their own procedures for determining and applying this amount. This approach provides increased State flexibility.

Whether the stepparent disregards for alimony and child support payments refer to amount owed or actually paid.

The decision was to deduct only amounts actually paid rather than owed on the basis that it more clearly reflects the language in the Act. Therefore, a stepparent who fails to make his court-ordered support and/or alimony payment would not receive the disregard.

Whether Supplemental Security Income (SSI) received by a stepparent can be counted as income. Section 402(a)(24) of the Social Security Act prohibits the counting of income and benefits of SSI recipients for purposes of

determining AFDC eligibility or benefit amounts. Therefore, the State may not consider the income of a stepparent receiving SSI to be available to the AFDC assistance unit.

*Treatment of Income in Excess of the Standard of Need (Section 233.20(a)(3) of Interim Regulations)*

Prior to enactment of the new provision, any payments to an assistance unit that met the definition of income (e.g., retroactive Social Security benefits) were counted as income in the month of receipt, and considered a resource, to the extent retained, in the following months.

The new section 402(a)(17) of the Act requires all income to be considered available to meet the present and future needs of AFDC recipients. It is the responsibility of the caretaker relative to budget accordingly. To do this, States must first determine whether the family's total amount of earned and unearned income (excluding the AFDC grant and after applying income disregards) exceeds the State's need standard in the month of receipt of the income. If it does not exceed the unit's needs, States shall compute the grant as for any usual month. If it does exceed the unit's needs, but was caused by a regular and periodic extra paycheck from a recurring income source, the unit may be suspended (see § 233.24(d)). However, if it does exceed the State's standard of need, the rules provide that the unit will be ineligible for aid for the number of full months (including month of receipt) derived by dividing the total income by the need standard applicable to the family. In addition, any income remaining after this calculation is treated as if it is income received in the first month following the period of ineligibility and is considered available for use at that time.

An example of how this policy is to be implemented is as follows. If an assistance unit has \$600 nonrecurring income in October, it has \$300 other countable income in that month (after the disregards) and the State's need standard for four is \$400, the unit is ineligible in October and November and shall be considered to have \$100 of income for December if the unit reapplies in that month. In drafting these rules, a question arose as to how this provision should be applied when the State discovers a nonrecurring income after the month of receipt. Must the assistance unit be considered ineligible in the month of receipt, or can States consider the first month of ineligibility to be in the month of discovery, or in the payment month corresponding to the month of receipt?

The Department believes the statute and legislative history requires that a State consider the unit ineligible in the month of receipt of the nonrecurring income as this would represent the first month of ineligibility for which any overpayments would be recouped.

For purposes of this provision, the new regulations do not alter the definition of income now employed by States.

After a State makes a determination of future ineligibility based on this provision, future changes in family composition or other relevant circumstances do not change or alter the period of ineligibility. There is also no waiver or good cause provision which can be applied to reduce the period of ineligibility. This provision applies to applicants only in the month of filing (effective 10/1/81).

*Resources Considered in Determining Need (Section 233.20(a)(3) of Interim Regulations)*

Pub. L. 97-35 sets statutory limits for the first time on the amount of resources an assistance unit may have and be eligible for AFDC. Formerly, resource limitations were prescribed in the regulations. Those regulations prohibited States from setting the asset limit at more than \$2,000 per recipient, excluding, as allowed by the State, a home, personal effects, an automobile, and income producing property. The courts ruled in *NWRO v. Weinberger* that in determining the \$2,000 limit, equity value was to be used.

States must now set a resource limit of \$1,000 or less on the equity value of the resources an assistance unit may own. A State must:

1. Deduct from the fair market value of the resources (as determined by the State) any obligations or debts still outstanding on those resources;
2. Exclude from consideration the equity value of a car up to \$1,500 or at State option such lower limit as set in its State plan;
3. Exclude the value of a home owned by a member of the assistance unit and occupied by it;
4. Count the equity value of all other resources, except at State option basic items essential to day to day living, such as clothing, furniture and other similarly essential items of limited value.

Prior to these changes, States had the option under regulations to exclude personal effects, income producing property, burial plots, cash value of life insurance policies, etc. This will no longer be permitted. Under the new regulations, States must exclude only those items specifically cited in the interim regulations of the home and the

automobile up to \$1,500 equity value. In addition, we have permitted States, at their option, to also exclude certain items of personal property essential to day to day living if they have limited value. The reason for this very limited exclusion is that we have been advised by States that the administrative cost of verifying the existence and nominal value of such items would far exceed any savings in assistance payments which might accrue if they were counted in determining a family's eligibility. Accordingly, in these regulations, we permit but do not require States to value all such items.

States will continue to establish their own methods for evaluating personal property and verifying resources. We chose \$1,500 as the maximum equity value for an automobile on the basis of a Spring 1979 survey of food stamp recipients. Data from that survey suggest that 96 percent of all food stamp recipients who own cars had equity value in them of \$1,500 or less. In that the Federal maximum limit should be set within the range of the vast majority of current recipients and given that the food stamp population tends to be, on the average, more affluent than AFDC recipients, this limit appears reasonable and supportable.

*Community Work Experience Program (Part 238 of Interim Regulations)*

The Act provides that States may, if they choose, establish a Community Work Experience Program (CWEP). The purpose of CWEP is to provide on-the-job training and work experience for recipients in order to assist them in moving into regular employment. Participants in CWEP will continue to receive their regular AFDC checks and will neither be paid by, nor be considered employees of, the agencies with which they are assigned.

**Eligibility.** Only recipients of aid, and not applicants for aid, may be required to participate in CWEP. A State may require AFDC recipients who are required to participate in the WIN program to participate in CWEP unless such persons are currently working no less than 80 hours per month and are earning not less than the applicable minimum wage, or are recipients of a monthly grant that is less than \$10.00. Persons exempt from WIN due to caring for a child between the ages of three and six may also be required by a State to participate in CWEP if adequate child care is available. Additionally, persons exempt from WIN due to their residing too far away from a WIN project may be required to participate in CWEP, provided they do not have to travel an

unreasonable distance from their home to the CWEP project site. The maximum number of hours a person may be required to work is to be calculated by dividing the total grant of the family by the higher of the State or Federal minimum wage. Should two or more persons in the same family meet the CWEP eligibility requirements, a State may, at State option, require each family member to work the same number of hours as would be required if only one member of the family were eligible for CWEP (total family aid/minimum wage).

*Types of jobs and conditions of work.* All job creation projects developed under CWEP must serve useful public purposes, as defined by the State. These projects are limited to public agencies and non-profit organizations. Private for-profit entities may not be CWEP sponsors.

States implementing CWEP must assure that in all training and work projects certain conditions are met. Some of the most important conditions are:

- Maintenance of appropriate health standards
- Reasonable conditions of work are maintained, taking into account the proficiency of participants
- Recipients cannot fill established unfilled position vacancies.
- Participants cannot be required to travel more than a reasonable distance from their homes or remain away from their homes overnight.

A State must provide for transportation and other costs directly borne by the participant which are both reasonably necessary and directly related (as defined by the State) to participation in the program. The maximum reimbursement to a recipient for costs such as transportation, etc., is \$25.00 monthly. This is a federally matchable administrative cost. However, any child care costs incurred by CWEP participants are matchable only under this provision and not as a routine administrative cost or as a special need. For this specific need, States should consider establishing CWEP projects to provide day care services using other participants and AFDC recipients.

A State may, if it wishes, provide transportation and other services to participants so that they do not incur any costs directly related to their participation. A State may also wish to provide for these costs with in-kind services. If this is the case, these services shall be matched as a routine administrative cost.

States may choose to provide program participants with worker's

compensation or comparable protection. If a State provides such protection, the cost of providing the coverage shall be considered an administrative expense for purposes of Federal matching funds.

*Sanctions and hearings.* Should a person refuse to participate in CWEP, the penalties applied for failure to participate in WIN will apply. Regular AFDC hearing procedures shall be used.

*Coordination.* The Chief Executive Officer (CEO) of the State is required to coordinate CWEP and WIN and insure that job placement has priority over participation in CWEP.

The CEO shall insure that a person is not denied aid under the State plan, because of refusal to participate in either WIN or CWEP while satisfactorily participating in the other. However, a State may require that a person participate on a part time basis in both programs.

*Expenditures.* The Federal government will match State administrative expenditures necessary for the proper and efficient Administration of the program. Such costs may not include the purchase of equipment or materials in connection with the work performed under the program. Federal funds are also not available to help pay the costs of supervision of work performed under CWEP.

*Placement of CWEP participants in profitmaking firms.* The Act states that CWEP "shall be limited to projects which serve a useful public purpose \* \* \*." Discussion was devoted to whether, and the extent to which private for profit entities should be permitted to participate in CWEP. The alternatives that evolved from this discussion were to: (1) restrict work to the public sector only; (2) restrict work to public sector and non-profit organizations; (3) permit work in public sector, non-profit organizations and private for profit entities. The second option was selected.

Permitting participation of private for profit entities may have permitted creation of the greatest number of CWEP work possibilities, permitted maximum State flexibility, and may have promoted transition to the private sector of more CWEP participants. However, we believe that these benefits are outweighed by the higher risk that CWEP participants might displace regular employees because potentially less control could be exercised over private for profit entities. In addition the use of a pool of free labor by profitmaking entities, even though it might further the independence of participants, has a high potential for damaging the overall CWEP effort (for

example, by allowing one employer to obtain an unfair market advantage through the use of free labor). Restricting the CWEP program to public agencies and non-profit organizations will still create substantial employment opportunities, while minimizing the above-described risks.

*Worker's compensation for CWEP participants.* The new statute requires a State which chooses to operate CWEP programs to provide appropriate standards for health, safety and other conditions applicable to the performance of work. This consideration gives rise to two issues: (1) whether to allow, or require, States to provide worker's compensation or similar coverage; and (2) whether to permit Federal reimbursement of such expenses. The decision is to permit States to provide worker's compensation or similar coverage and to reimburse these expenditures as a valid administrative expense.

The estimated cost of this coverage if all States elected this option is approximately \$27 million (combined Federal and State share) over the FY 1982-1986 period. This decision is not necessarily the most expensive option in that the potential for injuries to CWEP participants will have to be dealt with in some fashion, and other alternatives could prove to be more expensive. This group is very vulnerable because they lack existing protections. To allow that worker's compensation is a valid administrative expenditure suggests that its cost should be shared by the Federal and State governments.

#### *Earned Income Credit (Section 233.20(a)(6)(a) of Interim Regulations)*

The earned income credit (EIC) supplements the earnings of the working poor. Eligible employees may file an Earned Income Advance Payment Certificate (Form W-5) with their employers and receive the credit in advance payments which will be added to their paychecks. Under current law, any individual applying for or receiving AFDC who receives the earned income tax credit has that amount counted as earned income when it is received, whether received as a lump sum or in advance payments.

Pub. L. 97-35 requires States to count as earned income the amount of the earned income credit advance payments an individual is entitled to receive, whether or not the individual actually receives them. Therefore, the amount of these advance payments will be counted whether or not they elect to receive them. However, if the family makes every effort to file for and receive the

advance EIC but cannot receive it for some documented reasons, e.g., the employer refuses to process it, the State may determine that it is not available and not deem it as income.

In order for an employee to receive the earned income credit in advance amounts, the employee must file the proper certificate with his employer and thereby certify that he reasonably expects to be eligible to receive the earned income credit. The regulation requires, therefore, that when a State agency includes as earned income the amount of the advance payments not actually received, the State agency must be reasonably certain that the individual will be eligible to receive the credit. This requires the State agency to determine in advance whether an individual will be eligible to claim the earned income credit on his Federal income tax form for the current taxable year. The State agency must make that determination by applying the rules of the Internal Revenue Code which deal with the earned income credit and advance payments of the credit. These appear at 26 U.S.C. sections 43 and 3507, and under the corresponding regulations at 26 CFR 1.43-1, 1.43-2, and 31.3507-2.

In applying the rules of the Internal Revenue Code which deal with the support and maintenance of household tests, the State agency must not count AFDC benefits as support provided by the parent. These are support or maintenance provided by the State, not by the AFDC applicant or recipient.

The State agency shall determine the amount of the advance payments an employee is eligible to receive by consulting the tables prescribed by the Secretary of the Treasury.

If the State agency counts the amount of the advance payments an individual is eligible to receive but which are not actually received, the State agency may not also count the amount of the earned income credit which the individual does receive later as a lump sum. This is to avoid double counting of the same income.

Where the State agency determines that the individual is eligible to receive the earned income credit in advance payments and counts an amount as earned income each month, the State must make later adjustments if the individual was not, in fact, eligible for the advance payments. The State agency must also make adjustments where it assumed the individual was eligible to receive more or less than the actual amount of the credit. These adjustments shall be made according to the rules the State has established for payments of underpayments and recovery of overpayments. Adjustment

will also be required where the amount of the advance payments an employee actually receives are more or less than the actual amount he was entitled to receive.

*Flexibility analysis of earned income credit.* Based on a sample survey of recipients and after the estimated effects of the recent amendments, we estimate that an average of 230,000 families have earnings each month. We have no descriptive information about the employers of AFDC recipients and therefore cannot estimate how many are small businesses.

In addition to the fact that many of the 230,000 recipients do not work for small employers, many of these recipients will not meet the EIC dependency test and thus will not be eligible to receive the EIC. On the other hand, some recipients may work for several employers and the 230,000 estimate is based on a point in time not an annual total. If these opposite factors cancel each other, a maximum of 230,000 small businesses would be potentially affected.

No new reporting or recordkeeping requirements are being imposed by the new rules concerning EIC. The existing requirements associated with the EIC under IRS regulations are not being augmented; AFDC recipients are already entitled to file for and receive an advanced EIC payment.

Currently, receipt of the EIC as an advanced payment is very infrequent. Since receipt of advanced EIC will be deemed even if not requested, an increased number of AFDC recipients should file for an advanced EIC. Thus, the effect of the regulation could be to increase the workload burden under existing IRS regulations if the advance payment option is exercised more frequently. This could result in additional work for the individual employer, since the EIC amount must be computed, added to the paycheck, and deducted from the withholding amount. We do not believe that this will be a significant impact.

There are no alternatives to the regulation which would lessen the effect on small entities. It would be inconsistent with the law not to deem the advanced EIC to recipients whose employers are small businesses. Beyond this possible impact the regulation affects only AFDC eligibility and payment procedures.

#### *Work Incentive Demonstration Program (Section 205.80 of Interim Regulations)*

The amendments provide that, as an alternative to the Work Incentive (WIN) program otherwise provided for in title IV-C of the Act, any State may elect to

operate a work incentive demonstration program for the purpose of demonstrating single agency administration of the work-related objectives of the Act. Since these are demonstration programs of limited duration, they will operate only within guidelines established by the Department and without implementing regulations. However, we find it necessary to publish a regulation to carry out the requirement that the Secretary evaluate the effectiveness of these programs.

For this purpose, the Secretary will require States operating a WIN demonstration project to make periodic reports which furnish sufficient data to allow the Secretary to compare placement rates during the demonstration program with placement rates during a number of previous years. The amount of data the Secretary will require will be the minimum amount necessary to make this evaluation.

#### *Income, Resources, and Disregards (Section 233.20(a)(3) of Interim Regulations)*

These interim regulations reflect the new statutory changes which prohibit States from excluding the following in determining need:

- (1) Income set aside for the future identifiable needs of the child;
- (2) \$5 of income from any source; and
- (3) Income received or deemed to be received as an earned income credit.

States are also now permitted to consider as income the value of housing subsidies and food stamps which is duplicated in an assistance unit's AFDC payment. (See the preamble discussion on the treatment of housing and Food Stamp subsidies.)

*Changes in the earned income disregards.* Besides changing what States can exclude from income, Pub. L. 97-35 also significantly changes both the order of application of the disregards from earned income and the disregards themselves.

States are required to disregard the following amounts from the earned income of each individual with earnings for eligibility determination in the following order:

- (1) The first \$75 of monthly earnings for full time employees (or such lower amount as the State may establish for part-time work); plus
- (2) The actual cost of care for a child or incapacitated adult, up to \$160 per child or incapacitated adult per month (or such lower amount as the State may establish for part-time work).

The statute also requires States to apply income disregards in the following

manner for benefit calculation of each individual in the assistance unit: student income; the first \$75 of the monthly earnings for other full-time employees (or such lower amount as the State may require for part-time work); child care expense; and \$30 plus one-third of the earnings not already disregarded.

*\$30 plus one-third of the remainder.* The \$30 and one-third can not be used in establishing initial eligibility of an assistance unit (unless the unit received AFDC in one of the prior 4 months), but after it has been applied to an individual for 4 consecutive months, is unavailable to that individual until the expiration of a 12-month period during which the individual has not been an AFDC recipient.

In addition, none of the disregards, (the first \$75, the \$160 dependent care costs, the \$30 and one-third) will be applied to any earned income of any individual receiving assistance who, without good cause, as specified in the State plan, terminated employment, reduced earnings, refused an offer of employment, or failed to make a timely report.

The regulations as written embody both changes clearly required by Pub. L. 97-35 and decisions made on issues arising from the legislation. Issues regarding each disregard and a full explanation of the change are outlined in the discussion that follows.

*The work expense disregard.* The new regulations standardize the work expense disregard at \$75 per month for full-time employees. Formerly, States were required to disregard actual reasonable work expenses. The new regulations require that each full-time employee in the assistance unit receive a \$75 disregard for his or her work expenses. The new legislation also gives the Secretary of HHS the authority to adjust the \$75 disregard for part-time employees or those working less than a full month. In keeping with the President's commitment to assure State's adequate flexibility in developing their own programs, and because States, based on their prevailing individual circumstances, are in the best position to determine at what lower level it should be set and what process should be used, the Secretary has decided to require States to adjust the \$75 work expense deduction for those working less than full-time or not working throughout the month. In this way, the Secretary will be carrying out his responsibility under the law in a way which best ensures that all individuals covered in these regulations will be treated fairly and equitably under State AFDC plans.

With respect to self-employed individuals, States must specify in their State plans, and exclude from gross income, work expenses related to producing the goods or services and without which the good or service could not be produced. Specifically not excluded are items such as depreciation, personal business and entertainment expense, personal transportation, purchases of capital equipment, and payments on the principal of loans.

*Child care disregards and incapacitated adult care disregards.* The legislation requires that after the work expense disregard is applied to the earned income of the assistance unit, a State must disregard the actual cost of care for a child or incapacitated adult up to \$160 per month per child or incapacitated adult if the individual is employed full-time. The legislation gave the Secretary the authority to set a cap lower than \$160 in the case of an individual employed less than full-time. As for work expenses, States can set limits below \$160 for part-time workers.

*Issues regarding the \$30 and one-third disregard.* Pub. L. 97-35 clearly specifies that the \$30 and one-third disregard is the final disregard applied, but it did not clearly specify to whose income and under what circumstances it is permitted.

In the interim regulation, the approach taken is to apply the \$30 and one-third disregard to the earned income of each individual in the assistance unit rather than to the total earnings of the unit. Each individual receives his own \$30 and one-third disregard for four consecutive months. The individual may then not receive the disregard until he has been off AFDC assistance for twelve consecutive months.

A second issue was whether States start counting the four consecutive months as soon as the legislation becomes effective or whether recipients who have received the disregard for four consecutive months prior to October 1 would not be eligible for the disregard on October 1. The decision was made to permit current recipients (i.e., receiving assistance in September) to receive the \$30 and the one-third for consecutive months from October 1981 through January 1982.

A third issue was whether recipients who did not receive the \$30 and one-third disregard for four consecutive months because they, without good cause, terminated employment, reduced earnings, refused an offer of employment, or failed to make a timely report of earnings could be considered to have received the disregard for purposes of the four-month period of eligibility for the disregard. After careful

review, we decided that it was the intent of the provision to not extend the \$30 and one-third disregard for four additional months under these circumstances. In addition, if an assistance unit asks to have its case closed, we decided to count the months the \$30 and one-third disregard was withheld toward the individual's four month eligibility if the State finds that such action was taken solely to avoid the running of the four consecutive month period.

*WIN—Public Service Employment disregards.* The new legislation and regulations do not change the requirement that the State must disregard the \$30 monthly incentive payment and the reimbursement for training related expenses made by the manpower agency (pursuant to section 432(b)(2) of the Act). Also unchanged is the requirement that the \$30 and one-third disregard not be applied to the earned income of public service employees.

#### *Retrospective Budgeting and Monthly Reporting (Sections 233.21–233.27 of Interim Regulations)*

*Retrospective budgeting.* Consistent with Pub. L. 97-35, these rules amend final rules published (at 44 FR 26075–26084) on May 4, 1979, which specified the budgeting methods States may use in determining eligibility for and the amount of the assistance payments.

These new rules specify that a State must determine eligibility using prospective budgeting and the amount of the payment using retrospective budgeting. Prospective budgeting means that the agency shall determine eligibility for any payment month based on its best estimate of income and circumstances which will exist in that month. States must determine the month of application prospectively and at the State's option the following month. Retrospective budgeting means that the agency shall compute the amount of the payment based on income and circumstances which existed in a previous month, called the budget month.

States have the option of making the budget month the first or second month preceeding the payment month. However, if a State chooses the budget month to be the second preceeding month, it must also pay the second month after application prospectively. Otherwise, in the second month after application when the State transitions to retrospective budgeting the budget month would be the month prior to application.

*Determining eligibility prospectively.*

The rules require that a State must consider all factors of eligibility prospectively. This means that the State agency shall establish eligibility based on its best estimate of income and circumstances which will exist in the month for which the assistance payment is made. For example, a State would determine eligibility for the month of June by considering income and circumstances which are reasonably expected to exist during the month of June. If the agency becomes aware of a change in income or circumstances through information provided on the monthly report, or through direct contact with the client, and the change will make the recipient ineligible for June, the agency would not make the payment for that month. They will not issue a payment even though the recipient had no income in the prior budget month.

*Computing the assistance payment in the initial one or two months.* States must determine the amount of the payment for at least the first month prospectively, i.e., using its best estimate of income and circumstances which will exist in that month. The statute provides that the State could only determine the amount of the payment for the second month prospectively where the Secretary determined it to be appropriate.

The rules provide that States must determine the amount of the assistance payment retrospectively for the first and second month in certain situations. This rule requires States to compute the amount of the payment retrospectively if the applicant received assistance or would have, except for the restriction on making monthly payments of less than \$10, for the immediately preceding payment month.

A second exception is that the State must compute the payment retrospectively for the first and second months if assistance had been suspended (due to an extra payday) instead of closing the case. Experience with prior regulations on retrospective budgeting shows that when recipients have stable incomes and become ineligible for one month solely because there were five paydays in the budget month, rather than the usual four, the requirement to determine the amount of the payment prospectively serves no useful purpose. In fact, the continuous switching back and forth between prospective and retrospective budgeting is confusing to both agency workers and recipients and is error prone. These rules correct this situation by providing that States shall suspend assistance for one payment month and continue to

compute the amount of the assistance payment retrospectively for the following payment months whenever the agency has knowledge of, or reason to believe, that suspension would be only for one payment month, suspension for that payment month was caused by a regular and periodic extra paycheck from a recurring income source, and no significant change in the family's circumstances occurred.

*Computing the assistance payment after the initial one or two months.* The statute did not change previous regulations which provide that after the initial one or two months of assistance, the amount of each subsequent month's payment shall be computed retrospectively, i.e., on the basis of income received and other relevant circumstances which occurred in the corresponding budget month. There is, however, one situation regarding treatment of income received for a period greater than the budget month. Current Federal regulations at 45 CFR 233.20(a), which provide that States may average income received by individuals paid on a contractual basis (i.e., school teachers), farmers, self-employed individuals, remain applicable. If a State elects this option, the income must be averaged over the number of months covered under the contract, regardless of whether the employee chooses to receive the income in fewer months than the contract covers or whether it is paid in fewer months at the convenience of the employer. This does not conflict with the requirement that only "net income available for current use and currently available resources shall be considered" (45 CFR 233.20(a)(3)(ii)(D)). That regulation is directed against assuming income not actually received. Income received, for example, in a 10 or a 12-month contract, may be considered as periodic payments of an annual salary and, therefore, may be considered as available for all months regardless of when it is received.

That rationale also supports our decision to permit States to average intermittent income received quarterly, semi-annually, or yearly, such as farm income, over the period covered by the income if it is reasonably expected to continue in the future. In addition, when an eligible individual is added to an existing assistance unit, the rules require a State to reflect that individual's needs in the assistance unit promptly. This means that if a recipient advises the agency that her child was born in June, the agency shall reflect the child's needs in the July 1 payment, even though the child was not born during May, the corresponding budget month.

*Computing the payment for the first month in which retrospective budgeting is used.* This rule requires States to compute the amount of the payment for the first month in which retrospective budgeting begins by counting all income received during the corresponding budget month (usually the month of application) which is of a continuous nature. Alternatively, it requires that States disregard all income received during the corresponding budget month when there is evidence that the income will not continue.

*Monthly reporting.* Consistent with Pub. L. 97-35, the rules provide that States require all recipients to submit monthly report forms to the agency. The rules further state that with prior approval of the Secretary the State may exempt certain categories of recipients from reporting monthly. Approval of exceptions will be based on State criteria for assuring that exempted cases are unlikely to incur changes in circumstances from month to month which would impact their eligibility or payment amount and that the administrative costs of processing monthly reports would be unwarranted. Quality control data findings and error prone profiling systems should represent good sources of information upon which to base justifications.

Families required to file reports each month must do so as a condition of eligibility for receipt of AFDC as well as for continuation of benefits associated with receipt of AFDC, e.g., Medicaid, when recipients do not receive a payment due to the prohibition on payments of less than \$10 or the application of the recoupment provision.

*Content of the monthly report.* Previous regulations contained in 45 CFR 233.28, which address monthly reporting, are deleted. The new rules require that the States collect information on the budget month's income, family composition, and other circumstances relevant to the amount of the assistance payment. The rules also specify that recipients must report changes in income or other circumstances which the assistance unit expects to occur in future months which affect continued eligibility. We have deleted the previous detailed requirements relating to the content of the form in order to ensure that State agencies have maximum flexibility in designing the report forms to meet their own program requirements. We no longer require States to provide a stamped, self-addressed envelope for return of the monthly report, but will match such costs if the State opts to do so.

In addition to requiring that recipients submit a monthly report form to the agency, States must direct recipients to contact the agency, rather than waiting to submit the report form, when they become aware of expected changes which will affect their eligibility. For example, States should tell recipients to call their caseworker as soon as they know they will be employed.

**Timely reporting.** The new statute specifies that none of the earned income disregards in section 402(a)(8)(A)(ii-iv) of the Social Security Act will be applied if the monthly report, required under these regulations, is not filed "timely."

States must specify in their plans a definition of timeliness related to the filing of a monthly report and the number of days an individual has to report changes in earnings which impact eligibility. States must inform recipients what constitutes timeliness and that no disregard of earnings as described in § 233.20(a)(11)(i)(B) (1) and (2) as well as (a)(11)(ii) (\$30 and one-third, child care, and work expenses) will be applied to any earnings which are not reported in a timely manner.

Because of the substantive changes to the statute on the timely reporting requirement and due to the mandatory retrospective budgeting, we will not be publishing proposed rulemaking on the prior statutory language enacted in June 1980 in Section 302 of Pub. L. 96-272.

**What happens if a completed monthly report is received on time.** If a completed monthly report is received on time, the rules require States to process the payment and notify the recipient if there are changes from the prior payment and the basis for those changes. The agency must mail the notice at the same time as the resulting payment or in lieu of the payment if assistance has been terminated or suspended. A recipient whose benefit is reduced or terminated is protected because he or she may have his or her previous month's level of assistance reinstated by requesting a fair hearing within 10 days of the date of the notice.

**What happens if a completed monthly report is not received by the agency.** Section 233.27(b) of the interim regulations addresses situations in which recipients either fail to return monthly reporting forms prior to the State's due date or return incomplete forms. When this occurs, these rules provide that States are required to notify recipients not later than the expected payment date that the report was not received or that it was incomplete and, accordingly, no check is being issued and assistance is being terminated.

If recipients notify the agency and file a completed report within 10 days of the date of the notice that their assistance has been terminated, the rules require States to accept the replacement form. The States must reinstate assistance if the information on the replacement form indicates that the recipient is still eligible. If the recipient is found ineligible or eligible for an amount less than the prior month's payment, the State must promptly notify the recipient of his right to a fair hearing and his right to have assistance reinstated at the prior month's level, if he files for a hearing within 10 days of the date of the notice.

**Supplemental payments.** Previous regulations at 45 CFR 233.23 are deleted because supplemental payments are prohibited. In its place the rules require States to specify the time period covered by the payment (payment month) and the period used to determine the amount of that payment (budget month). This is necessary for quality control purposes.

#### *Eligible Aliens (Sections 233.51-233.52 of Interim Regulations)*

Pub. L. 97-35 requires States to provide under the AFDC program only for the needs of U.S. citizens and aliens who are lawfully admitted for permanent residence or otherwise lawfully residing on a permanent basis under the color of law.

The regulations at § 233.50 on citizenship and alienage are now revised to add new references made in the 1980 amendments to the Immigration and Nationality Act (Pub. L. 96-212). These changes recognize the elimination of certain restrictions on conditional entrant refugees in Section 203(a)(7) in effect prior to April 1, 1980 and expansion of the definition of these refugees within a new Section 207(c) effective after March 31, 1980. Section 203(a)(7) still however, applies to aliens who were granted legal resident status prior to April 1, 1980. The revision also recognizes the eligibility status of aliens who are admitted under the new political asylum procedures of Section 208 of that Act. The eligibility status of aliens temporarily paroled into the U.S. at the discretion of the Attorney General under Section 212(d)(5) of that Act also continues unchanged in this regulation.

**Attribution of a sponsor's income and resources to an alien.** State Agencies now have to consider the income and resources of a sponsor when determining the financial eligibility of certain aliens applying for AFDC.

This requirement applies to legally admitted aliens, unless specifically exempted, who apply for AFDC for the first time after September 30, 1981 for 3

years after their entry into the United States. We define an alien's "date of admission or date of entry" to be the date established by the Immigration and Naturalization Service as the date the alien was admitted for permanent residence.

Aliens who are exempted from this provision are aliens who were:

- Paroled into the U.S. as refugees
- Granted political asylum by the Attorney General
- Admitted as Cuban or Haitian entrants
- Admitted under Section 203(a)(7) of the Immigration and Naturalization Act prior to April 1, 1980
- Admitted under Section 207(c) of the Act after March 31, 1980

Alien children of sponsors (or such sponsors' spouses) are also exempted.

The alien is responsible for obtaining the cooperation of his or her sponsor and supplying the information and documentation which the agency requests to determine the alien's eligibility. This will include material provided in support of the alien's immigration application.

Aliens who do not obtain this cooperation or supply this information will not be eligible for assistance.

The agency will determine if the alien has a sponsor and if that sponsor signed an agreement to guarantee the alien's support.

A sponsor is a person who signed an affidavit or other statement accepted by INS as an agreement to support an alien as a condition of the alien's admission for permanent residence in the United States.

Under the law, the Department of Justice and the Department of State are to inform sponsors that information they supply will be given to HHS and that they may be asked for additional information if the aliens apply for AFDC benefits.

- When the State evaluates whether to deem income and resources, the income and resources of a sponsor who is receiving AFDC or SSI will not be counted in determining deemable income or resources. We believe that, while the statute attempts to reinforce the obligation of the sponsor to support, when a sponsor has been determined as financially needy under one of these benefit programs, his or her income and resources have been considered in determining the amount of his or her payment. The individual's income and resources should not be deemed available for the support of others.

- A portion of the earned and unearned income and resources of the sponsor and the sponsor's spouse (if they are living together) will be counted as available to the alien. The spouse's income and resources will be counted even if the sponsor and spouse have married since the signing of the agreement. Amounts specified in the statute will be set aside for work expenses, living expenses, and payments of alimony or child support.
- We disregard actual payments to dependents outside the home. We define "dependent" as used in the Internal Revenue Code for personal income tax purposes. We were concerned that a sponsor might arrange to pay large amounts to a dependent in an attempt to avoid the deeming procedure. We considered placing a ceiling on the amount that a sponsor could claim as payment to a dependent outside the home. However, we have concluded that we will allow actual payments as a deduction in deeming.

The agency will assess the sponsor's current ability to support. The agency may require the alien to provide this information.

INS reports that sponsors frequently revoke their sponsorship agreement. Although there is no INS requirement for the alien to obtain a new sponsor, our deeming requirements are not waived. Agencies will, therefore, consider the income and resources of the individual who executed the support agreement even if the person claims to have given up sponsorship responsibilities. Deeming of income and resources occurs for purposes of determining eligibility whether or not the income and resources are actually available to the alien.

There are individuals who agree to sponsor a number of alien families. The statute is clear that when a person sponsors multiple alien families living together, the income of the sponsor will be divided equally among the aliens. The statute does not address the distribution of deemed income and resources from a sponsor to multiple aliens when the aliens are not living together. The agency will consider the total deemable income and resources from a sponsor in determining the needs of eligible aliens. Therefore, if a person sponsors four alien families and only one applies for assistance, the sponsor's total deemable income and resources would be applied to the needs of the one family. If three of the alien families applied for AFDC, then the sponsor's total deemable income and resources would be divided in thirds. If the sponsor actually gives the alien more

than is needed to meet his or her need, the excess will be counted in determining the needs of unsponsored children in the same assistance unit.

**Overpayments to Aliens Where Sponsors Provided Income Information.** Where the sponsor fails to provide correct information, the sponsor and alien are liable for any overpayment except where such sponsor was without fault or where good cause existed. Recovery will be made by the State through its regular recoupment procedures. Any overpayment under this section not repaid or recovered must be withheld from subsequent payments to which the alien or sponsor is or becomes entitled under any Social Security Act program. The State must define its procedures for determining "good cause" or "without fault" in its approved State plan. The State may then declare that the sponsor was without fault or had good cause for failure to provide correct information in accord with its approved State Plan procedure and neither sponsor nor alien would be liable for the overpayment.

#### *Strikers (Section 233.106 of Interim Regulations)*

The statute contains a new provision which requires States to deny AFDC benefits to persons participating in a strike. Previously, the program did not specifically prohibit AFDC benefits to those who were engaged in a strike. Regulations, however, did give States the option of prohibiting payment to AFDC-UP families if the qualifying parent's unemployment resulted from participation in a labor dispute.

The new regulation requires that the State plan must provide for the denial of AFDC benefits to strikers. The statute provides for this denial of benefits to any family for any month in which any caretaker relative is participating in a strike on the last day of that month. We interpret this portion of the regulation to apply to any caretaker relative, regardless of whether that relative is legally or non-legally liable for the support of the dependent child and regardless of whether that relative is needy or non-needy. The regulation also provides that the State must deny AFDC benefits to any individual (other than the caretaker relative) for any month in which that individual is participating in a strike on the last day of the month. If the individual is the only dependent child in the family, the State will deny assistance for the family. If the individual is one of several children or other individuals in the family, the State will deny assistance for that individual and will not take into account that

individual's needs in determining the need for assistance.

The regulations require States to define a "strike" according to the National Labor Relations Board (NLRB) definition (29 U.S.C. 142) or any other definition of the term that is currently in State law. We considered several alternatives, including allowing the States to define the term, requiring the States to use a Federal definition or another definition of the term in State law or rules which the State already uses for any other State purpose, or requiring a Federal definition of a strike. We decided to permit States to use the NLRB statute or a definition already in State law. The regulations require States to define "participating in a strike" in their State plan. The State must deny assistance for any month in which the caretaker relative or other individual participates in a strike on the last day of the month.

If the caretaker relative or individual is participating in a strike on the last day of the month and if the payment for that month has been made, the State must recoup that payment and take action to stop future payments where it is anticipated that the strike will continue. States must use regular recoupment procedures in these instances.

#### *Age Limit of Dependent Child (Section 233.90 of Interim Regulations)*

The provision limits AFDC eligibility to children under age 18, or at State option, children under age 19 who are full-time students reasonably expected to complete a program of secondary school (or the equivalent level of vocational or technical training) before reaching age 19. For example, an 18 year old who will complete high school before reaching age 19 is eligible. However, an individual who will become 19 before completing high school is ineligible once he or she reaches 18. Also an 18 year old who has completed high school and who is in a vocational training program that will be completed before he or she reaches 19 is ineligible. This is the case because after a child reaches 18, eligibility for AFDC may continue only until the secondary education or equivalent training is completed.

The major issue considered in developing the regulation was whether we should provide Federal definitions for "full-time student" and other terms used in the statute. The decision was that it shall be left to each State to define full-time student in accordance with State law, to determine which vocational or technical training courses

are equivalent to the level of secondary school, and to decide which factors the State agency will consider in deciding whether an individual may reasonably be expected to complete the program of study or training before reaching age 19. Leaving these definitions to each State permits State maximum flexibility to develop definitions that are consistent with their own State laws and Board of Education policies.

*Adjustment of Incorrect Payments  
(Section 233.20(a)(12) of Interim  
Regulations)*

Under prior regulations States were allowed, but not required, to collect overpayments. If they collected overpayments they had to also make underpayments. In cases where the overpayment was caused by a recipient's willful withholding of information, recovery could be made from any income and resources and the assistance payment. However, the State had to determine that the monthly amount to be recovered would not cause undue hardship. In cases where the recipient did not willfully withhold information the State could recover only from any available income and resources.

States could waive overpayments and underpayments where administrative cost exceeded the amount to be recovered or paid. Corrective underpayments were not considered as income or resources for purposes of determining the recipient's continuing eligibility and amount of assistance.

Based on the new legislative provision, these regulations require that each State must attempt to recover all overpayments. The State must also pay all underpayments to current recipients. There is no distinction between willful and non-willful withholding of information by the recipient. States must promptly take all reasonable and practical steps to correct and collect any overpayment that is known to the State. A State may recover each month from any income, liquid resources and assistance payments as long as the assistance unit retains from its combined income, liquid resources, and assistance payment an amount equal to 90% of the amount payable under the State's plan to an assistance unit of the same composition with no other income.

In cases where the assistance unit which received the overpayment is no longer eligible, or the person responsible for the overpayment has left the household, a State under its appropriate laws, can recover from the individual who caused the overpayment or from any other individual who was a member of overpaid assistance unit.

Any underpayment must be promptly corrected if the affected assistance unit is currently eligible—or would have been currently eligible if the error had not occurred. However, no underpayments to other form(r recipients can be matched because they are no longer in current need. Corrective payments cannot be considered as income or as a resource either in the month the payment is made or in the following month.

The statutory language does not address the issue of waivers for cost effectiveness. The Act requires correction of "any" overpayment or underpayment. We believe that it is cost effective to attempt to recover all overpayments. If an attempt is not made, it cannot be determined that the overpayment could not be recovered. Furthermore, we believe there is a deterrent effect. Also, other unrelated overpayments are often discovered. In all situations in which the overpayment is made to a current recipient, recovery must be accomplished either through direct reimbursement and/or from the grant.

If an assistance unit has both an outstanding overpayment and an underpayment, the State may offset one against the other before adjusting the incorrect payment.

Where a former recipient with an outstanding overpayment reapplies and is found to be eligible the State must recover the overpayment considering the current income, resources, and assistance payment of the recipient in determining the monthly recovery amount. Similarly, the State must make corrective payments to a former recipient who has an outstanding underpayment, who reapplies and is found to be eligible.

**Other Issues**

In the course of consulting with States over these implementing regulations, there is a related issue which merits brief discussion—the extent to which timely notice must be given and recipients can file for hearings and request that aid be paid pending the hearing decision based on individual case changes.

The current regulations at 45 CFR 205.10 are unchanged and still apply. When changes in either State or Federal law require automatic grant adjustment for classes of recipients, timely notice must be given at least 10 days prior to the action which includes a statement of the intended action, the reason, a reference to the specific change in law requiring such action and a statement of the circumstances under which a

hearing may be obtained and assistance continued.

A hearing need not be granted in these instances unless the reason for an individual appeal is an incorrect grant computation. For example, if the recipient wishes to appeal his termination because he is age 19 and in high school, a hearing need not be granted. However, if the recipient disagrees with his or her termination of assistance because he or she has only received the \$30 and one third for 3 months and not 4, a hearing must be granted. Similarly, aid paid pending the hearing decision is not required if the sole issue is one of State or Federal law or policy.

The asterisks used throughout the regulatory text represent material within a codified paragraph or section that is not being amended by these interim regulations.

These regulations are issued under the authority of Section 1102 of the Social Security Act, as amended, 49 Stat. 647, as amended; 42 U.S.C. 1302.

(Catalog of Federal Domestic Assistance Programs No. 13.808 Public Assistance Maintenance Assistance (State Aid))

Dated: September 2, 1981.

Paul B. Simmons,

*Acting Commissioner of Social Security.*

Approved: September 3, 1981.

Richard S. Schweiker,

*Secretary of Health and Human Services.*

**PART 205—GENERAL  
ADMINISTRATION—PUBLIC  
ASSISTANCE PROGRAMS**

Part 205 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

1. Section 205.10 is amended by revising paragraph (a)(5) to read as follows:

**§ 205.10 Hearings.**

(a) *State plan requirements.* \* \* \*

(5) An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her claim for financial assistance is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance, or determination that a protective, vendor, or two-party payment should be made or continued. A hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients unless the reason for an

individual appeal is incorrect grant computation.

2. A new § 205.80 is added to read as follows:

**§ 205.80 Evaluation of the Work Incentive Demonstration Program.**

(a) If a State plan for AFDC under title IV-A of the Social Security Act provides for single State agency operation of a Work Incentive Demonstration program under the provisions of section 445 of title IV of the Social Security Act, the State is required to report data which the Secretary determines to be necessary to carry out his responsibility to evaluate the demonstration program. The report shall include, but not be limited to, such data as—

- (1) Number of registrants;
- (2) Number of registrants who enter full-time employment;
- (3) Number of registrants who entered employment who are still employed 30 days later;
- (4) Number of registrants whose AFDC grants are reduced or terminated because of participation in a work incentive demonstration program; and
- (5) Amount of reduction in AFDC grants due to participation in a work incentive demonstration program.

(b) Such data are to be reported at a schedule to be determined by the Secretary, but not more frequently than quarterly.

(c) The State agency shall cooperate with the Department in the required evaluation of the work incentive demonstration program.

**PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS**

Part 206 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

3. Section 206.10 is amended by removing paragraph (a)(1)(vi) and by revising paragraph (a)(4) to read as follows:

**§ 206.10 Application, determination of eligibility and furnishing of assistance.**

(a) *State plan requirements.* \* \* \*

(4) Adequate notice shall be sent to applicants and recipients to indicate that assistance has been authorized (including the amount of financial assistance) or that it has been denied or terminated. Under this requirement, adequate notice means a written notice that contains a statement of the action taken, and the reasons for and specific regulations supporting such action, and

an explanation of the individual's right to request a hearing.

**PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS**

Part 233 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

4. Section 233.10 is amended by revising paragraph (b)(2)(ii)(a)(1) to read as follows:

**§ 233.10 General provisions regarding coverage and eligibility.**

(b) *Federal financial participation.*

(2) \* \* \*  
(ii) AFDC—for:  
(a) \* \* \*

(1) Under the age of 18, or age 18 if a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19;

5. Section 233.20 is amended by revising paragraph (a)(2)(v) to read as follows:

**§ 233.20 Need and amount of assistance.**

(e) *Requirements for State plans.* \* \* \*

(2) *Standards of assistance.* \* \* \*  
(v) If the State agency includes special need items in its standard, (A) describe those that will be recognized and the circumstances under which they will be included, and (B) provide that they will be considered for all applicants and recipients requiring them. Expenses related to or necessitated by a recipient's participation in a CWEP project, established under 45 CFR 238.20, may not be included as a special need.

6. Section 233.20 is amended by revising paragraphs (a)(3), (a)(3)(i), (a)(3)(ii) (B), (D), (E), (a)(3) (iii), (viii), (xi)–(xiii), (a)(4), (a)(6)(ix), (a)(7), by removing paragraph (a)(7)(ii), by revising paragraphs (a)(11) and (a)(12), and by adding a new paragraph (a)(13) to read as follows:

**§ 233.20 Need and amount of assistance.**

(a) *Requirements for State plans.* \* \* \*  
(3) Income and resources. OAA, AFDC, AB, APTD, AABD. (i) Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet the current and future needs while assistance is received on a continuing

basis. (A) In OAA, AB, APTD, and AABD, in addition to the home, personal effects, automobile and income producing property allowed by the agency, the amount of real and personal property, including liquid assets, that can be reserved for each individual recipient shall not be in excess of two thousand dollars. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased; and (B) in AFDC—The amount of real and personal property that can be reserved for each assistance unit shall not be in excess of one thousand dollars equity value (or such lesser amount as the State specifies in its State plan) excluding only—

(1) The home which is the usual residence of the assistance unit;

(2) One automobile, up to \$1,500 of equity value or such lower limit as the State may specify in the State plan; and

(3) At State option, basic maintenance items essential to day-to-day living such as clothes, furniture and other similarly essential items of limited value.

(ii) \* \* \*  
(B) In determining financial eligibility and the amount of the assistance payment all remaining income (except unemployment compensation received by an unemployed principal earner) at the State's option, be considered in relation to the State's need standard, or the State's payment standard. Unemployment compensation received by an unemployed principal earner shall be considered only by subtracting it from the amount of the assistance payment after the payment has been determined under the State's payment method;

(D) Net income available for current use and currently available resources shall be considered; income and resources are considered available both when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. For AFDC when the assistance unit's income after application of applicable disregards exceeds the State need standard for the family (unless such excess was caused by a regular and periodic extra paycheck from a recurring income source, in which case see § 233.24(d)), the family will be ineligible for aid for the number of full months derived by dividing this total income by the need standard applicable to the family starting with the month in which the income is received. Any income remaining after this calculation is

treated as income received in the first month following the period of ineligibility.

(E) Income and resources will be reasonably evaluated. Resources will be evaluated according to their equity value.

For purposes of this paragraph (a)(3): Automobile means a passenger car or other motor vehicle used to provide transportation of persons or goods; Equity value means fair market value minus encumbrances (legal debts); Fair market value means the price an item of a particular make, model, size, material or condition will sell for on the open market in the geographic area involved (If a motor vehicle is especially equipped with apparatus for the handicapped, the apparatus shall not increase the value of the vehicle); Liquid assets are those properties in the form of cash or other financial instruments which are convertible to cash and include savings accounts, checking accounts, stocks, bonds, mutual fund shares, promissory notes, mortgages, loan value of insurance policies, and similar properties; Need standard means the money value assigned by the State to the basic and special needs it recognizes as essential for applicants and recipients;

(iii) States may prorate income received by individuals employed on a contractual basis over the period of the contract or may prorate intermittent income received quarterly, semi-annually, or yearly over the period covered by the income. They may use the prorated amount to determine need under § 233.23 and the amount of the assistance payment under §§ 233.24 and 233.25.

(viii) Provide that: (A) payment will be based on the determination of the amount of assistance needed; (B) if full individual payments are precluded by maximums or insufficient funds, adjustments will be made by methods applied uniformly statewide; (C) no payment of aid shall be made to an individual in any month in which the amount of aid prior to any adjustments is determined to be less than \$10; and (D) an individual who is denied aid solely because of the limitation specified in (C) of this paragraph shall be deemed a recipient of aid for all other purposes except participation in the Community Work Experience Program.

(xi) In the case of AFDC if the State chooses to count the value of the food stamp coupons as income, provide that the State plan shall: (A) Identify the amount for food included in its

assistance and payment standards for an assistance unit of the same size and composition. (States which have a flat grant system must estimate the amount based on historical data or some other justifiable procedure.); and (B) Specify the amount of such food stamp coupons that it will count as income. Under this requirement, the amount of food stamp coupons which a State may count as income may not exceed the amount for food established in its payment standard for an assistance unit of the same size and composition.

(xii) In the case of AFDC if the State chooses to count the value of the governmental rent or housing subsidies as income, provide that the State plan shall: (A) Identify the amount for shelter included in its assistance and payment standards for an assistance unit of the same size and composition. (States which have a flat grant system must estimate this amount based on historical data or some other justifiable procedure.); and (B) Specify the amount of such housing assistance that it will count as income. Under this requirement, the amount of such rent or housing subsidies which a State may count as income may not exceed the amount for shelter established in its payment standard for assistance unit of the same size and composition.

(xiii) Under the AFDC plan, provide that no assistance unit is eligible for aid in any month in which the unit's income exceeds 150 percent of the State's need standard for a family of the same composition (other than the assistance payment), without application of the disregards in paragraph (a)(11)(i) and (ii) of this section, except in States that do not have a law of general applicability, the stepparents disregards in (a)(11)(vi), and the alien sponsors disregards in 45 CFR 233.51 must be applied in making this determination.

(4) *Disregard of income in OAA, AFDC, AB, APTD, or AABD.* (i) For all programs except AFDC. If the State chooses to disregard income from all sources before applying other provisions for disregarding or setting aside income, specify the amount that is first to be disregarded, but not more than \$7.50 per month, of any income of an individual, child or relative claiming assistance. All income must be included such as social security or other benefits, earnings, contributions from relatives, or other income the individual may have.

(6) \* \* \*

(ix) In the case of an applicant or recipient of AFDC, "earned income" shall include the amount of advance

payments of the earned income credit for which he or she is eligible.

(A) If an individual applying for or receiving AFDC has on file with his employer an Earned Income Credit (EIC) Advance Payment Certificate (Form W-5) for the current taxable year and is, in fact, receiving the advance payments, the State agency shall include that amount as earned income of the individual in the month received.

(B)(1) If an individual applying for or receiving AFDC has earned income but has not filed with his employer an Earned Income Advance Payment Certificate (Form W-5) or has filed a Form W-5 but has not received any advance payment, the State agency shall include as earned income of the individual the advance payment that would be payable if a certificate had been filed or the amount that will be paid pursuant to the certificate that has been filed. The State agency, in order to count the advance payment not actually received, must determine that the individual will be eligible to claim the earned income credit on his Federal income tax return for that taxable year and can, in fact, receive it as an advance payment.

(2) In order to determine in advance whether an individual will be eligible to receive the earned income credit, the State agency must determine that the individual will meet the requirements specified in the Internal Revenue Code under 26 U.S.C. 43 and 3507, and under the corresponding regulations at 26 CFR 1.43-1, 1.43-2, 31.3507-1 and 31.3507-2 which establish eligibility criteria for receipt of the earned income credit and advance payments of the credit.

(3) In order to determine the amount that would be received if an individual filed an Earned Income Advance Payment Certificate with his employer, the State agency must consult the tables provided by the Secretary of the Treasury.

(4) In determining whether an individual meets the support or maintenance of household test as required by the Internal Revenue Code, the State agency may not include the amount of AFDC received by the individual.

(5) The State agency must reconcile at the end of the tax year any differences between the amount of the EIC assumed and actually received by the recipient. Any underpayment should be paid to current recipients and any overpayment recovered.

(7) *Disregard of earned income; method.* Provide that for other than

AFDC, the following method will be used for disregarding earned income:

(ii) In applying the disregard of income under paragraph (a)(11)(ii) of this section to an applicant for AFDC, there will be a preliminary step to determine whether the assistance unit in which he or she is a member is eligible without the application of any AFDC provisions for the disregard in (a)(11)(ii) by applying the unit's earnings (less the disregards in (a)(11)(i) and (a)(11)(iv) and in § 233.51) and all other income to the State's standard of need. This preliminary step does not apply if the assistance unit received assistance in one of the four months prior to the month of application.

(11) *Disregard of income applicable only to AFDC.* (i) For purposes of eligibility determination and benefit calculation:

(A) Disregard all of the monthly earned income of each child receiving AFDC if the child is a full-time student or is a part-time student who is not a full-time employee. A student is one who is attending a school, college, or university or a course of vocational or technical training designed to fit him or her for gainful employment and includes a participant in the Job Corps program under the Comprehensive Employment and Training Act of 1973 (CETA).

(B) Disregard from the monthly earned income of each individual other than a student referred to in (A) whose needs are included in the eligibility determination or who is receiving assistance:

(1)(i) The first \$75 (or a lesser amount in the case of an individual not engaged in full-time employment or not employed throughout the month). The State agency shall have in place a procedure under which it determines and applies a disregarded amount less than \$75. For purposes of treating self-employment income, the State must specify in its plan that those self-employment work expenses directly related to producing the goods or services and without which the goods or services could not be produced shall be excluded. However, items such as depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment and payments on the principal of loans for capital assets or durable goods shall not be excluded. (ii) An amount equal to the actual cost, but not to exceed \$160 (or a lesser amount in the case of an individual not engaged in full-time employment or not employed throughout the month), for the care of each dependent child or incapacitated

adult living in the same home and receiving AFDC. The State agency shall have in place a procedure under which it determines and applies a disregarded amount less than \$160.

(ii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the 4 months prior to the month of application, where appropriate, the State must also disregard from the individual's earned income \$30 plus one-third of his earned income not already disregarded. However, the State may not provide the disregard to an individual after the fourth consecutive month (any month for which the unit loses the \$30 plus one-third disregard because of a provision in subparagraph (iii) of this section, shall be considered as one of these months) it has been applied to his earned income unless he is not a recipient of aid for 12 consecutive months.

(iii) The applicable earned income disregards in subparagraphs (i)(C) and (ii) of this paragraph do not apply to the earned income of the individual for the month in which one of the following conditions apply to him:

(A) An individual terminated his employment or reduced his earned income without good cause (as specified in the State plan) within the period of 30 days preceding such month;

(B) An individual refused without good cause (as specified in the State plan) within the period of 30 days preceding such month to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the State or local agency administering the State plan, after notification by him, to be a bona fide offer of employment;

(C) An individual failed without good cause (as specified in the State plan) to make a timely report of that income as defined in § 233.27; or

(D) The individual voluntarily requests assistance to be terminated for the sole purpose of avoiding receiving the \$30 and one-third disregard for four consecutive months.

(iv) The treatment of earned income and expenses under WIN is as follows:

(A) For earned income from regular employment or on-the-job training, pursuant to section 432(b)(1) of the Act the disregards in subparagraphs (i)(C) and (ii) of this section shall apply.

(B) For institutional and work experience training, pursuant to section 432(b)(2) of the Act, the \$30 monthly incentive payment and the reimbursement for training related

expenses made by the manpower agency are totally disregarded; and

(C) For public service employment, pursuant to section 432(b)(3) of the Act, work related expenses (the disregards in subparagraphs (i)(C) (1) and (2)) are deducted, but the \$30 plus one-third disregard of subparagraph (ii) does not apply.

(v) In States that do not have laws of general applicability, whenever a stepparent of an AFDC child is living in the same household as the child provide for the disregard of: (A) The first \$75 of the gross earned income of the stepparent if he or she is employed full-time. The State agency shall have in place a procedure under which it determines and applies a disregarded amount less than \$75 for stepparents who are not employed on a full-time basis or not employed throughout the month; (B) An additional amount for the support of the stepparent and any other individuals who are living in the home, but whose needs are not taken into account in making the AFDC eligibility determinations and are claimed by the stepparent as dependents for purposes of determining his or her Federal personal income tax liability. This disregarded amount shall equal the State's need standard amount for a family group of the same composition as the stepparent and those other individuals described in the preceding sentence; (C) Amounts actually paid by the stepparent to individuals not living in the home but who are claimed by him or her as dependents for purposes of determining his or her Federal personal income tax liability; and (D) Payments by such stepparent of alimony or child support with respect to individuals not living in the household. All of the stepparent's remaining income shall be assumed available to the assistance unit.

(12) *Recoupment of overpayments and correction of underpayments for programs other than AFDC.* \* \* \*

(13) *Recovery of overpayments and correction of underpayments for AFDC.* Specify uniform Statewide policies for:

(i) Recovery of overpayments of assistance, including overpayments resulting from assistance paid pending hearing decisions.

(A) The State must take all reasonable steps necessary to promptly correct any overpayment.

(2) Any recovery of an overpayment to a current assistance unit must be recovered through repayment by the individual (in part or in full) or recovering the overpayment by reducing the amount of any aid payable to the

assistance unit of which he or she is a member.

(2) If recovery is made from the grant, such recovery shall result in the assistance unit retaining from the combined aid (family income and liquid resources), (without application of section 402(a)(8) of the Act) not less than 90 percent of the amount payable under the State plan to a family of the same composition with no other income.

(B) The State shall recover an overpayment from (1) the assistance unit which was overpaid, (2) any assistance unit of which a member of the overpaid assistance unit has subsequently become a member, or (3) any individual members of the overpaid assistance unit whether or not currently a recipient. If the State recovers from individuals who are no longer recipients, recovery shall be made by appropriate action under State law against the income or resources of those individuals.

(C) If through recoupment, the amount payable to the assistance unit is reduced to zero, members of the assistance unit are still considered recipients of AFDC.

(D) In cases which have both an underpayment and an overpayment, the State will offset one against the other in correcting the payment.

(ii) Prompt correction of any underpayments to current recipients and those who would be a current recipient if the error causing the underpayment had not occurred. Under this requirement, for purposes of determining continued eligibility and amount of assistance, such retroactive corrective payments shall not be considered as income, or as a resource in the month paid nor in the next following month.

7. Section 233.20 is amended by revising paragraph (b)(2) and by removing paragraph (b)(4).

**§ 233.20 Need and amount of assistance.**  
\* \* \*

**(b) Federal financial participation; General.** \* \* \*

(2) Federal participation is available within the maximums specified in the Federal law, when the payments do not exceed the amount determined to be needed under the statewide standard, and are made in accordance with the State method for determining the amount of the payment, as specified in 45 CFR 233.24 and 233.25.

\* \* \*

8. Section 233.21 is amended by revising the heading and by revising paragraph (a) to read as follows:

**§ 233.21 Budgeting methods for OA, AB, APTD, and AABD.**

(a) *Requirements for State plans.* A State plan for OA, AB, APTD, and

AABD shall specify if assistance payments shall be computed using a prospective budgeting system or a retrospective budgeting system. A State electing retrospective budgeting shall specify which options it selects and the State plan shall state that it shall meet the requirements in §§ 233.21 through 233.29. Budgeting methods for AFDC are described in §§ 233.31-233.37.

\* \* \*

10. Section 233.30 is redesignated as § 233.39 and is amended by revising paragraph (b)(1)(ii) to read as follows:

**§ 233.39 Age.**

\* \* \*

**(b) Federal financial participation.**

(1) \* \* \*

(ii) In AFDC, under 18 years of age; or age 18 if a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19.

\* \* \*

11. A new § 233.31 is added to read as follows:

**§ 233.31 Budgeting methods for AFDC.**

(a) *Requirements for State plans.* A State plan for AFDC shall specify that all factors of eligibility shall be determined prospectively and the amount of the assistance payment shall be determined using retrospective budgeting as provided in §§ 233.31-233.37 except as provided in § 233.34. Budgeting methods for OA, AB, APTD, and AABD are described in §§ 233.21-233.29.

(b) *Definitions.* The following definitions apply to §§ 233.31 through 233.37:

(1) "Prospective budgeting" means that the agency shall determine eligibility (and compute the amount of assistance for the first one or two months) based on its best estimate of income and circumstances which will exist in that month. This estimate shall be based on the agency's reasonable expectation and knowledge of current, past or future circumstances.

(2) "Retrospective budgeting" means that the agency shall compute the amount of assistance for a payment month based on actual income or circumstances which existed in a previous month, the "budget month."

(3) "Budget month" means the fiscal or calendar month from which the agency shall use income or circumstances of the family to compute the amount of assistance.

(4) "Payment month" means the fiscal or calendar month for which an agency shall pay assistance. Payment is based upon income or circumstances in the

budget month. In prospective budgeting, the budget month and the payment month are the same. In retrospective budgeting, the payment month follows the budget month.

12. A new § 233.32 is added to read as follows:

**§ 233.32 Payment and budget months (AFDC).**

A State shall specify in its plan for AFDC the time period covered by the payment (payment month) and the time period used to determine that payment (budget month) and whether it adopts (a) a one-month or two-month retrospective system; and (b) a one-month or two-month prospective system for the initial payment months. If a State elects to have a two-month retrospective system it must also elect a two-month prospective system.

13. A new § 233.33 is added to read as follows:

**§ 233.33 Determining eligibility prospectively for all payment months (AFDC).**

(a) The State plan for AFDC shall provide that the State shall determine all factors of eligibility prospectively for all payment months. Thus, the State agency shall establish eligibility based on its best estimate of income and circumstances which will exist in the month for which the assistance payment is made.

(b) When a IV-A agency receives an official report of a child support collection it shall consider that information as provided in § 232.20(a) of this chapter. (§ 232.20(a) explains the treatment of child support collections.)

14. A new § 233.34 is added to read as follows:

**§ 233.34 Computing the assistance payment in the initial one or two months (AFDC).**

A State shall compute the amount of the AFDC payment for the initial month of eligibility and at the option of the State for the second month—

(a) Prospectively (except as in paragraphs (b) and (c) of this section); or

(b) Retrospectively if the applicant received assistance (or would have except for the prohibition on payments of less than \$10) for the immediately preceding payment month (except where the State pays the second month after application prospectively); or

(c) Retrospectively if:

(1) Assistance had been suspended as defined in paragraph (d) of this section; and

(2) The initial month follows the month of suspension; and

(3) The family's circumstances for the initial month had not changed significantly from those reported in the corresponding budget month, e.g., loss of job.

(d) A State shall suspend, rather than terminate, assistance when—

(1) The agency has knowledge of, or reason to believe that ineligibility would be only for one payment month; and

(2) Ineligibility for that one payment month was caused by a regular and periodic extra paycheck from a recurring income source. For example, States may wish to suspend, cases that would have become ineligible periodically because of an extra payday in some months.

15. A new § 233.35 is added to read as follows:

**§ 233.35 Computing the assistance payment after the initial one or two months (AFDC).**

The State plan for AFDC shall provide:

(a) After the initial one or two payment months of assistance under § 233.34, the amount of each subsequent month's payment shall be computed retrospectively, i.e., shall be based on income and other relevant circumstances in the corresponding budget month except as provided in § 233.20(a)(3)(iii). In any month for which an individual will be determined eligible prospectively and will be added to an existing AFDC assistance unit, the State must reflect the individual's needs in the payment for that month.

(b) Except as provided in § 233.34(b) for the first month in which retrospective budgeting is used (whether in the second month of eligibility or the third), the State shall not count income already considered for the first payment month which is not of a continuous nature.

16. A new § 233.36 is added to read as follows:

**§ 233.36 Monthly reporting (AFDC).**

(a) Except as provided in paragraph (b) of this section, a State plan for AFDC shall require each assistance unit to submit a report form to the agency monthly on—

(1) Budget month income, family composition, and other circumstances relevant to the amount of the assistance payment; and

(2) Any changes in income, resources, or other relevant circumstances affecting continued eligibility which the assistance unit expects to occur in the current month or in future months.

(3) Stepparent's income and alien sponsor's income and resources where appropriate.

(b) A State may exempt categories of recipients from reporting each month, with prior approval by the Secretary. The plan shall include criteria for assuring (1) that exempted cases are unlikely to incur changes in circumstances from month to month which would impact their eligibility or amount of assistance and (2) that the administrative cost of requiring those categories to report monthly will be greater than the program savings which would accrue.

(c) States shall also direct recipients to report information as defined in paragraph (a)(2) of this section to the agency as they become aware of expected changes rather than waiting to inform the State on the monthly report.

17. A new § 233.37 is added to read as follows:

**§ 233.37 How monthly reports are treated and what notices are required (AFDC).**

(a) *What happens if a completed monthly report is received on time.* When the agency receives a completed monthly report as specified in § 233.36, and if all eligibility conditions are met, it shall process the payment. The agency shall notify the recipient of any changes from the prior payment and the basis for its determinations. This notice must meet the requirements of § 205.10(a)(4)(i)(B) of this chapter on adequate notice if the payment is being reduced or assistance is terminated as a result of information provided in the monthly report. The notice must be mailed to arrive no later than the resulting payment or in lieu of the payment. A recipient has 10 days from the date of the notice to request a hearing.

(b) *What happens if a completed monthly report is not received by the agency.* An agency may terminate assistance if it has received no report or has received only an incomplete report as defined by the State. In this case, the agency must send the recipient a notice meeting the requirements of § 205.10(a)(4)(i)(B) to arrive not later than the date it would have made payment if the agency had received a completed monthly report on time. If the recipient notifies the agency and files a completed report within 10 days of the date of this notice, the agency must accept the replacement form and make a payment based on the information on the form if the information indicates that the person is still eligible. If the recipient is found ineligible or eligible for an amount less than the prior month's payment, the State must promptly notify the recipient of his or her right to a fair hearing and his or her right to have assistance reinstated. A recipient has 10

days from the date of the notice to request a hearing.

(c) *What happens if a completed monthly report is received but is not timely.* States must specify in their plans a definition of timeliness related to the filing of a monthly report and the number of days an individual has to report changes in earnings which impact eligibility. States must inform recipients what constitutes timeliness and that no disregard of earnings as described in § 233.20(a)(11)(iii)(C) (\$30 and one-third, child care, and work expenses) will be applied to any earnings which are not reported in a timely manner. If the recipient is found ineligible or eligible for an amount less than the prior month's payment, the State must promptly notify the recipient of his or her right to a fair hearing and his or her right to have assistance reinstated. A recipient has 10 days from the date of the notice to request a hearing.

18. Section 233.50 is revised to read as follows:

**§ 233.50 Citizenship and alienage.**

A State plan under title I (OAA); title IV-A (AFDC); title X (AB); title XIV (APTD); and title XVI (AABD-disabled) of the Social Security Act shall provide that an otherwise eligible individual, dependent child, or a caretaker relative or any other person whose needs considered in determining the need of the child or relative claiming aid, must be either:

(a) A citizen, or

(b) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, including certain aliens lawfully present in the United States as a result of the application of the following provisions of the Immigration and Nationality Act:

(1) Section 207(c), after March 31, 1981—Aliens Admitted as Refugees.

(2) Section 203(a)(7), prior to April 1, 1980—Individuals who were Granted Status as Conditional Entrant Refugees.

(3) Section 208—Aliens Granted Political Asylum by the Attorney General.

(4) Section 212(d)(5)—Aliens Granted Temporary Parole Status by the Attorney General.

19. A new § 233.51 is added to read as follows:

**§ 233.51 Deeming of sponsor's income and resources to the sponsored alien.**

*Definition:* Sponsor is any person who executed an affidavit(s) of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of

the alien's entry into the United States. A State plan under title IV-A of the Social Security Act shall (with regard to an alien applying for AFDC for the first time after September 30, 1981, who is not exempted under paragraph (e) of this section and his or her sponsor) provide that:

(a) For a period of three years following entry into the United States, a sponsored alien shall provide the State agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(b) For all sections under this part, the income and resources of a sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

(1) Monthly income deemed available to the alien from the sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(i) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by 20 percent (not to exceed \$175) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(ii) The amount described in paragraph (b)(1)(i) of this section reduced by:

(A) The cash needs standard under its plan for a family of the same size and composition as the sponsor and those other people living in the same household as the sponsor who are claimed by the sponsor as dependents to determine his or her Federal personal income tax liability but whose needs are not taken into account in making a determination under § 233.20 of this chapter;

(B) Any amounts actually paid by the sponsor to people not living in the household who are claimed by the sponsor as dependents to determine his or her Federal personal income tax liability; and

(C) Actual payments of alimony or child support, with respect to individuals not living in the household.

(2) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resources of the sponsor determined as if he or she was applying for AFDC in his State of residence, less \$1500.

(c) In any case where a person is the sponsor of two or more aliens, the

income and resources of the sponsor to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the sponsored aliens.

(d) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

(e) The provisions of this section shall not apply to any alien who is:

(1) Admitted as a conditional entrant refugee to the United States as a result of the application, prior to April 1, 1980, of the provisions of section 203(a)(7) of the Immigration and Nationality Act;

(2) Admitted as a refugee to the United States as a result of the application, after March 31, 1980 of the provisions of section 207(c) of the Immigration and Nationality Act;

(3) Paroled into the United States as a refugee under section 212(d)(5) of the Immigration and Nationality Act;

(4) Granted political asylum by the Attorney General under section 208 of the Immigration and Nationality Act; or

(5) A Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422); or

(6) The dependent child of the sponsor or sponsor's spouse.

(f) The Secretary shall make information necessary to make a determination under this section and supplied under agreement with the Secretary of State and the Attorney General, available upon request to a concerned State Agency.

20. A new § 233.52 is added to read as follows:

#### § 233.52 Overpayment to aliens.

A State Plan under Title IV-A of the Social Security Act, shall provide that:

(a) Any sponsor of an alien and the alien shall be jointly and severally liable for any overpayment of aid under the State plan made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information under the provisions of § 233.51, except where such sponsors were without fault or where good cause existed.

(b) When a sponsor is found to have good cause or be without fault (as defined in the State plan) for not providing information to the agency, the sponsor will not be held liable for the overpayment and recovery will not be made.

(c) An overpayment for which the sponsor and the alien are liable (as

described in paragraph (a) of this section) shall be repaid to the State or recovered in accordance with § 233.20(a)(13). If the agency is unable to recover the overpayment through this method, funds to reimburse the agency for the overpayment shall be withheld from future payments to which the alien or sponsor is entitled under:

(1) Any State administered or supervised program established by the Social Security Act, or

(2) Any federally administered cash benefit program established by the Social Security Act.

21. Section 233.90 is amended by revising paragraphs (a)(1) and (b)(3). Paragraph (c) of § 233.90 is revised by removing paragraph (c)(1)(vi), removing paragraph (c)(2)(ii), redesignating paragraphs (c)(2)(iii) and (c)(2)(iv) as paragraphs (c)(2)(ii) and (c)(2)(iii), and by adding a new paragraph (c)(2)(iv), to read as follows:

#### § 233.90 Factors specific to AFDC.

(a) *State plan requirements.* \* \* \*

(1) The determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his or her parent who is the principal earner will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State; and

\* \* \*

(b) *Conditions for plan approval.*

\* \* \*

(3) A state may elect to include in its AFDC program children age 18 who are full-time students in a secondary school, or in the equivalent level of vocational or technical training, and who may reasonably be expected to complete the program before reaching age 19.

\* \* \*

(c) *Federal financial participation.*

\* \* \*

(2) \* \* \*

(iv) At State option, (A) payments with respect to a pregnant woman with no other children receiving assistance, and additionally, at State option; (B) payments for the purpose of meeting special needs occasioned by or resulting from pregnancy both for the pregnant woman with no other children as well as for the pregnant woman receiving AFDC. However, for both (A) and (B) of this paragraph, it must be medically verified that the child is expected to be born in the month such payments are made or within the three-month period following such month of payment; and who, if such child had been born and was living with her in the month of payment, would be eligible for aid to families with dependent children. Federal financial participation is not available to meet the needs of the unborn child. (Refer to Medicaid regulations for title XIX eligibility of pregnant women).

22. Section 233.100 is amended by revising the section heading and by revising paragraphs (a), (a)(1), (a)(1)(ii), (a)(2), (a)(3)(i)-(ii), (a)(3)(ii)(b)-(c), (a)(3)(iv), (a)(3)(vi)(A)-(B), (a)(5)(i). Paragraphs (a)(5)(ii), (a)(3)(iii); (a)(6), (a)(7), (c)(1)(iii), (1)(iv), (c)(2)(i)-(c)(2)(iii) are all amended in the first sentence.

**§ 233.100. Dependent children of unemployed parents:**

(a) *Requirements for State Plans:* If a State wishes to provide AFDC for children of unemployed parents, the State plan under title IV-A of the Social Security Act must, except as specified in paragraph (b) of this section:

(1) Include a definition of an unemployed parent who is the principal earner which shall apply only to families determined to be needy in accordance with the provisions in § 233.20 of this chapter. Such definition must include any such parent who:

(ii) Exceeds that standard for a particular month, if the work is intermittent and the excess is of a temporary nature as evidenced by the fact that he or she was under the 100-hour standard for the prior 2 months and is expected to be under the standard during the next month; except that at the option of the State, such definition need not include a principal earner who is unemployed because of participation in a labor dispute (other than a strike) or by reason of conduct. \* \* \*

(2) Include a definition of a dependent child which shall include any child of an unemployed parent. \* \* \*

(3) \* \* \*

(i) His or her parent who is the principal earner has been unemployed

for at least 30 days prior to the receipt of such aid.

(ii) Such parent has not without good cause, within such 30-day period prior to the receipt of such aid, refused a bona fide offer of employment or training for employment. Before it is determined that such parent has refused a bona fide offer of employment or training for employment without good cause, the agency must make a determination that such an offer was actually made. (In the case of offers of employment made through the public employment or manpower agencies, the determination as to whether the offer was bona fide, or whether there was good cause to refuse it, will be made by that office or agency.) The parent must be given an opportunity to explain why such offer was not accepted. Questions with respect to the following factors must be resolved:

(b) Any questions as to the parent's

(c) Any questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.

(iii) Such parent \* \* \*

(iv) A "quarter of work" with respect to any individual means a period (of 3 consecutive calendar months ending on March 31, June 30, September 30, or December 31) in which he or she received earned income of not less than \$50 (or which is a "quarter of coverage" as defined in section 213(a)(2) of the Act), or in which he or she participated in a community work experience program under section 409 of the Act or the work incentive program established under title IV-C of the Act.

(vi)(A) The "parent who is the principal earner" means, in the case of any child, whichever parent, in a home in which both parents of such child are living, earned the greater amount of income in the 24-month period the last month of which immediately precedes the month in which an application is filed for aid under this part on the basis of the unemployment of a parent. The principal earner so defined remains the principal earner for each consecutive month for which the family receives such aid on the basis of such application. This requirement applies to both new applicants and current AFDC-unemployed parent families who were eligible and receiving aid prior to October 1, 1981.

(B) If both parents earned an identical amount of income in such 24-month period, the State shall designate which

parent shall be the principal earner.

(5) \* \* \*

(i) If and for so long as such child's parent unless exempt under 45-CFR 224.20, is not currently registered for the work incentive program or if exempt under clause (b)(6) of § 224.20, is not currently registered with a public employment office in the State, and

(ii) With respect to any week for which such child's parent \* \* \*

(6) Provide that within 30 days after the receipt of aid with respect to such children, such unemployed principal earners \* \* \*

(7) Provide, where application for aid with respect to a dependent child (as defined by the State pursuant to paragraph (a)(2) of this section) is made within 6 months after the effective date of the modification of the State plan in accordance with the provisions in paragraphs (a) (1) through (6) of this section, that the parent of such child will be considered to have met the requirements of paragraph (a)(3)(iii) of this section if he or she met: \* \* \*

(8) \* \* \*

(b) *Exception.* \* \* \*

(c) *Federal financial participation.*

(1) \* \* \*

(iii) Who has been deprived of parental support or care by reason of the fact that his or her parent who is the principal earner is employed less than 100 hours a month; or exceeds that standard for a particular month if his or her work is intermittent and the excess is of a temporary nature as evidenced by the fact that he or she was: \* \* \*

(iv) Whose parent who is the principal earner (a) has six or more: \* \* \*

(v) Whose parent who is the principal earner is currently: \* \* \*

(2) \* \* \*

(i) For any part of the 30-day period prior to the receipt of such payment, if during the period the parent who is the principal earner was not unemployed \* \* \*

(ii) For such 30-day period if during that period the parent \* \* \*

(iii) For any period beginning with the 31st day after the receipt of aid, if and for as long as no action is taken during the period to certify the parent \* \* \*

23. A new § 233.106 is added to read as follows:

**§ 233.106. Denial of AFDC benefits to strikers.**

(a) *Condition for plan approval:* A State plan under title IV-A of the Social Security Act must:

(1) Provide that participation in a strike shall not constitute good cause to leave, or to refuse to seek or accept, employment.

(2)(i) Provide for the denial of AFDC benefits to any family for any month in which any caretaker relative with whom the child is living is, on the last day of such month, participating in a strike; and

(ii) Provide that no individual's needs shall be included in determining the amount of aid payable for any month to a family under the plan if, on the last day of such month, such individual is participating in a strike.

(b) *Definitions.* (1) The State must define "strike" by using the National Labor Relations Board definition (29 U.S.C. 142(2)) or another definition of the term that is currently in State law.

(2) The State must define the term "participating in a strike."

#### § 233.140 [Removed]

24. Section 233.140 is removed.

### PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Part 234 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

25. Section 234.60 is amended by revising paragraph (a)(1), and (a)(12) removing and reserving paragraph (a)(5), removing paragraph (a)(11)(iii), adding a new paragraph (a)(14), and amending paragraph (b)(1) by striking the (1) and removing all of paragraph (b)(2).

§ 234.60 *Protective, vendor and two-party payments for dependent children.*

(a) *State plan requirements.* (1) If a State plan for AFDC under title IV-A of the Social Security Act provides for protective vendor and two-party payments for other than WIN and Community Work Experience Programs (CWEP) cases, and cases in which the caretaker relative fails to meet the eligibility requirements of §§ 232.11 or 232.12 of this chapter, it must meet the requirements in paragraphs (a)(2) through (11) of this section. In addition, the plan may provide for protective vendor and two-party payments at the request of the recipient as provided in paragraph (a)(14) of this section.

(12) For WIN and CWEP cases, the State plan must provide that, when protective or vendor payments are made pursuant to §§ 224.51(a)(1) and 238.22 of this chapter (because an individual has been found to have refused without good cause to participate in the WIN or CWEP program or to accept a bona fide offer of employment).

(14) If the plan provides for protective, vendor or two-party payments:

(i) The State may use any combination of protective, vendor or two-party payments (at the request of the recipient),

(ii) The request must be in writing from the recipient to whom payment would otherwise be made in an unrestricted manner and must be recorded or retained in the case file; and

(iii) The restriction will be discontinued promptly upon the written request of the recipient who initiated it.

\* \* \* \* \*

### PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Part 235 of Chapter II, Title 45 Code of Federal Regulations is amended as set forth below:

26. Section 235.64 is amended by revising the introductory text to read as follows and by removing the footnote:

§ 235.64 FEP rates, and activities and costs matchable as training expenditures.

Under title I, X, XIV, or XVI (AABD) of the Act, FFP is available at the rate of 75 percent, and under title IV-A effective October 1, 1981, FFP is available at the rate of 50 percent for the following costs:

\* \* \* \* \*

27 A new Part 238 is added to read as follows:

### PART 238—COMMUNITY WORK EXPERIENCE PROGRAM

#### Subpart A—Introduction

Sec.

238.01 Scope of this part.

#### Subpart B—Administration and Program Requirements

238.10 Agency administering the program.

238.12 Statewideness.

238.14 Establishment of a mandatory participant group.

238.16 Participant reimbursement.

238.18 Participant protection.

238.20 Participation requirements.

238.22 Sanctions.

238.24 Hearings and notices.

238.26 Chief Executive Officer.

#### Subpart C—Sponsor and Project Requirements

238.50 Sponsor requirements.

238.52 Project requirements.

238.54 Project assignment criteria.

#### Subpart D—Federal Financial Participation

238.60 Allowable administrative costs.

238.62 Expenses not matchable.

238.64 Fiscal reporting requirements.

Authority: Section 2307, Pub. L. 97-35; 95 Stat. 846; (42 U.S.C. 609).

### Subpart A—Introduction

#### § 238.01 Scope of this part.

*General.* States may operate community work experience programs (CWEP) which serve a useful public purpose, and require AFDC recipients to participate in them as a condition of AFDC eligibility. The purpose of these CWEP programs is to provide work experience for AFDC recipients. CWEP projects must meet appropriate standards for health and safety and may not displace persons currently employed or fill established unfilled vacancies. Participants must be reimbursed for amounts not to exceed \$25 for reasonable necessary expenses (as defined by the State) directly related to participation in the programs. Allowable costs to operate CWEP (see Subpart E) are matched by the Federal government at the AFDC administrative match level (50%).

### Subpart B—Administration and Program Requirements

#### § 238.10 Agency administering the program.

Each State with a plan approved under Title IV-A of the Social Security Act may establish and operate a CWEP program in accordance with the requirements in this part. If the State chooses to establish and operate CWEP, it must administer the program through the single State agency designated in its title IV-A State plan to administer or supervise the AFDC program.

#### § 238.12 Statewideness.

The State plan shall specify the geographic areas for which the State will implement CWEP. These may include all areas of the State or only certain subareas at the Agency's discretion.

#### § 238.14 Establishment of a mandatory participant group.

(a) The State plan must identify the groups or categories of AFDC recipients who will be required to participate in CWEP. Under this requirement, States may require that any AFDC recipient, as a condition of eligibility for AFDC, participate in CWEP unless the individual—

(1) Meets the WIN exemption criteria under 45 CFR 224.20, except as provided in paragraph (b) of this section;

(2) Is both currently employed for at least 80 hours per month and earning not less than the legally established or defined minimum wage for such employment (for jobs which do not have an established minimum wage, recipients currently employed 80 hours

must be exempted from CWEP regardless of wage level;]

(3) Was denied AFDC solely because the amount of his or her entitlement would have been less than \$10 per month;

(b) A recipient who is exempt from WIN may nevertheless be required to participate in CWEP if—

(1) He or she was exempt due to remoteness from a work incentive project under 45 CFR 224.20(b)(6); or

(2) He or she was exempt as a caretaker of a child at least three years old, under 45 CFR 224.20(b)(8), and appropriate child care can be secured to enable participation in the CWEP project

(c) Applicants for aid to families with dependent children may not be required to participate in CWEP.

(d) A State plan may provide for voluntary participation in CWEP projects by all, or any subgroups, of AFDC recipients who desire to do so. If the plan provides for voluntary participation, it will identify the categories of voluntary participants to whom CWEP is available and any conditions which attach to their participation.

#### § 238.16 Participant reimbursement.

The State plan shall specify the amount and types of participation costs the State will reimburse to recipients. Under this requirement—

(a) Participants may not be required to use their assistance or their income or resources to pay participation costs.

(b) States must provide reimbursement for transportation and other costs that the State determines are necessary and directly related to participation in CWEP incurred by the participant. For FFP purposes, this amount shall not exceed \$25 per month, per participant. (See Subpart D for FFP requirements.)

#### § 238.18 Participant protection.

States may provide worker's compensation or other comparable protection for their CWEP participants. The cost of this protection shall be considered an administrative expense and matched accordingly.

#### § 238.20 Participation requirements.

(a) States determine CWEP participation within broad Federal requirements:

(1) Where more than one member of an assistance unit meets the criteria, under the State's plan for participation in CWEP, the State may require that each eligible individual participate up to the maximum number of hours per month established by the State.

(2) Part-time participation in WIN and CWEP may be required where it is deemed appropriate by the State. The State plan shall specify whether part-time participation will be required and the circumstances under which it will be deemed "appropriate."

(b) The State plan must specify the maximum number of hours and the formula used to determine the mandatory hours of participation where the State specifies a lesser maximum. No individual may be required monthly to participate in CWEP more than the number of hours which would result from dividing the family's grant amount by the greater of the Federal or the applicable State minimum wage.

(c) The State must have procedures under which there is coordination between CWEP and WIN to insure that job placement will have priority over CWEP participation.

(d) Nothing in Section 409 of the Act, nor in this part shall be construed as authorizing the payment of AFDC as compensation for work performed.

#### § 238.22 Sanctions.

The State plan shall provide that where a mandatory CWEP participant has been determined to have failed or refused without good cause to participate in CWEP, the sanctions specified in 45 CFR 224.51 (and further described in § 234.60) shall apply. Under this requirement the State plan shall specify the criteria to be used in determining whether or not there was "good cause" in refusing or failing to participate in CWEP.

#### § 238.24 Hearings and notices.

The State plan shall specify that the provisions of 45 CFR 205.10, which relate to hearing and notice procedures, apply to CWEP participants.

#### § 238.26 Chief Executive Officer.

The Chief Executive Officer of the State—

(a) Shall provide coordination between a CWEP and the WIN program—

(1) To insure that job placement will have priority over participation in CWEP; and

(2) To insure that individuals who are required to participate in both WIN and CWEP may not be denied aid under the State plan on the grounds of "failure to participate" in one program if they are actively and satisfactorily participating in the other;

(b) May require that a participant who satisfactorily meets the requirements of CWEP may also be required to participate in a WIN program for the remainder of that month.

### Subpart C—Sponsor and Project Requirements

#### § 238.50 Sponsor requirements.

The State agency will designate a sponsor to operate each project or, at the agency's option, more than one project. Only public agencies and non-profit organizations may be sponsors.

#### § 238.52 Project requirements.

The State plan must provide that CWEP projects—

(a) Serve a useful public purpose;

(b) Do not result in the displacement of persons currently employed or the filling of established, unfilled position vacancies. This means that CWEP participants may not perform tasks which would have been undertaken by employees or which have the effect of reducing the work of employees. However, CWEP participants may perform the same type of tasks as performed by employees;

(c) Are not in any way related to political, electoral, or partisan activities;

(d) Are not in violation of applicable Federal, State or local health and safety standards; and

(e) Have not been developed in response to, or in any way associated with, the existence of a strike, lockout or other bona fide labor dispute, nor can the project violate any existing labor agreement between employees and employers.

#### § 238.54 Project assignment criteria.

The State plan must provide that—

(a) Assignments to CWEP projects will be made taking into consideration to the extent possible, the prior training, proficiency, experience and skills of a participant;

(b) Participants will not be assigned to projects which require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent.

### Subpart D—Federal Financial Participation

#### § 238.60 Allowable administrative costs.

Federal financial participation is available for administrative costs of the AFDC program for Community Work Experience program expenditures, when CWEP has been approved as part of the State plan under Title IV-A of the Act. Such costs include amounts paid to participants which (as identified in the State plan) are reasonably necessary and directly related to participation in CWEP not in excess of \$25 per month per participant.

**§ 238.62 Expenses not matchable.**

FFP is not available for:

- (a) Capital expenditures, or depreciation or use allowances in connection with a CWEP;
- (b) The cost of making or acquiring materials or equipment in connection with participation in a CWEP project;
- (c) The cost of supervision of CWEP participants; and
- (d) Costs associated with the use of any facilities of the State public employment offices used to find employment opportunities for participants.

**§ 238.64 Fiscal recordkeeping requirements.**

To support claims for FFP, States shall identify in their accounting records all CWEP costs which represent direct payments to participants in the program. States must also identify in their monthly assistance rolls those individuals to whom participant expenditures were made during any month. The identification in the accounting records and monthly assistance rolls shall be in such form as to permit verification of the monthly direct payments to each individual participant subject to FFP.

28. A new Part 239 is added to read as follows:

**PART 239—WORK SUPPLEMENTATION PROGRAM****Subpart A—Introduction**

Sec.

**239.01 Scope of this part.****Subpart B—Program Description and Administration of the Work Supplementation Program****239.10 Agency administering the program and State plan requirements.****239.12 Eligibility.****239.14 Types of jobs.****239.16 Providing or subsidizing jobs.****239.18 Conditions of employment.****239.20 Wages.****239.24 Participation in other work programs.****239.26 Hearings and notices.****Subpart C—Standards of Need and Treatment of Earned Income****239.50 Adjustment of standard of need.****239.52 Differential need standards—geographical areas.****239.54 Differential need standards—categories of recipients.****239.56 Further adjustments in amount of aid paid.****239.58 Earned income disregard.****Subpart D—Federal Financial Participation****239.80 Wage subsidies.****239.82 Ceiling.****239.84 Claiming Federal Financial Participation.**

Authority: Section 2308, Pub. L. 97-35, 95 Stat. 848; (42 U.S.C. 614).

**Subpart A—Introduction****§ 239.01 Scope of this part.**

Under the Work Supplementation Program States may use AFDC funds to develop and subsidize work for AFDC recipients as an alternative to aid provided to AFDC recipients. The Work Supplementation Program may be implemented notwithstanding the definitions contained in Section 406 of the Social Security Act or any other provision of law. Under this program AFDC recipients may choose, on a voluntary basis, to accept an offer of work to the extent such jobs are made available. In order to pay for the costs of developing and subsidizing these jobs, a State may reduce need standards in effect for selected categories of recipients on the basis of their ability to participate in the Work Supplementation Program. The reduction of needs standards may be made for either the entire State or for selected geographical areas. The total amount of Federal financial participation for operation of a State's Work Supplementation Program is limited as provided in Subpart D.

**Subpart B—Program Description and Administration of the Work Supplementation Program****§ 239.10 Agency administering the program and State plan requirements.**

States which elect to have a Work Supplementation Program shall administer the program through either (a) the agency designated to administer or supervise the administration of the State plan under section 402(a)(3) of the Act; or (b) the agency (if any) designated to administer the Community Work Experience Program under section 409 of the Act. A State choosing to implement a Work Supplementation Program shall amend its State plan in accordance with the following provisions.

**§ 239.121 Eligibility.**

A State shall determine who is eligible to participate in a Work Supplementation Program from among the persons who would, at the time of their placement in such program, be eligible for assistance under the State plan as in effect in May 1981, or as modified thereafter as required by Federal law.

**§ 239.14 Types of jobs.**

Within certain limits described herein, a State may provide or subsidize any job position under the program as such State determines to be appropriate, but acceptance of any such position shall be voluntary. The job positions which may

be provided for recipients of aid must be of the following general types:

(a) A job position provided to an eligible individual by the State or local agency administering the State plan under this part;

(b) A job position provided to an eligible individual by a public or non-profit entity for which all or part of the wages are paid by such State or local agency; or

(c) A job position provided to an eligible individual by a proprietary entity involving the provision of child day care services for which all or part of the wages are paid by such State and local agency, but only if such entity does not claim a credit for any part of the wages paid to such eligible individual under section 40 of the Internal Revenue Code of 1954 (relating to credit for expenses of the Work Incentive Program) or section 44B of the Code (relating to credit for employment of certain new employees).

**§ 239.16 Providing or subsidizing jobs.**

The State agency administering this program may use whatever means such State determines are appropriate in order to provide or to subsidize jobs for participants in the Work Supplementation Program. A State may make whatever arrangements it deems appropriate with regard to the type of work provided, the length of time the position is to be provided or subsidized, the amount of wages to be paid to the recipient receiving the work supplemented job, the amount of subsidy to be provided by the State or local agency and the conditions of participation.

**§ 239.18 Conditions of employment.**

(a) A State or local agency administering the State plan is not required to provide employee status to any eligible individual to whom it provides a job position under the Work Supplementation Program, or with respect to whom it provides all or part of the wages paid to such individual by another entity under this program.

(b) A State or local agency administering the program is not required to provide that eligible individuals filling job positions provided by other entities under such program be provided employee status by such entity during the first 13 weeks during which they fill such position.

**§ 239.20 Wages.**

Participants in the Work Supplementation Program will be paid wages which shall be considered to be

earned income for purposes of any provision of law.

**§ 239.24 Participation in other work programs.**

No individual receiving a grant under the State plan shall be excused, by reason of the fact that such State has a Work Supplementation Program, from any requirement of title IV-A or title IV-C relating to work requirements.

**§ 239.26 Hearings and notices.**

The State plan shall specify that the provisions of 45 CFR 205.10, which relate to hearing and notice procedures, apply for purposes of the Work Supplementation Program.

**Subpart C—Standards of Need and Treatment of Earned Income**

**§ 239.50 Adjustment of standard of need.**

A State operating a Work Supplementation Program under this part may adjust the standards of need under the State plan as the State determines to be necessary and appropriate for carrying out such program. Such changes in need standards may be made notwithstanding 45 CFR 233.20.

**§ 239.52 Differential need standards—geographical areas.**

A State operating a Work Supplementation Program under this part may provide that the needs standards in effect in those areas of the State in which such program is in operation may be different from the needs standards in effect in the areas in which such program is not in operation.

**§ 239.54 Differential need standards—categories of recipients.**

A State operating a Work Supplementation Program under this part may provide that the needs standards for categories of recipients of aid may vary among such categories as the State determines to be appropriate on the basis of ability to participate in the Work Supplementation Program.

**§ 239.56 Further adjustments in amount of aid paid.**

A State may make further adjustments in the amounts of aid paid under the plan to different categories of recipients in order to offset increases in benefits from other government-provided, needs-related programs as the State determines necessary and appropriate to further the purposes of the Work Supplementation Program.

**§ 239.58 Earned income disregard.**

A State operating a Work Supplementation Program under this part may reduce or eliminate the amount of earned income to be disregarded under the State plan as the State determines to be necessary and appropriate to further the purposes of the Work Supplementation Program.

**Subpart D—Federal Financial Participation**

**§ 239.80 Wage subsidies.**

Payments by the State to individuals or to entities providing jobs for recipients under the program shall be expenditures incurred by the State for aid to families with dependent children (i.e., money payments, protective and

vendor payments), except as limited by the ceiling for Federal financial participation described in this Subpart.

**§ 239.82 Ceiling.**

Federal funds may be paid to a State under this part with respect to expenditures incurred in operating a Work Supplementation Program. The amount subject to matching for any quarter for expenditures incurred in operating a Work Supplementation Program shall not exceed an amount equal to the difference between—

(a) The amount which would have been paid under section 403(a) of the Social Security Act to such State for such quarter under the State plan if it did not have a Work Supplementation Program in effect and had not altered its State plan accordingly, as such State plan was in effect in May 1981, or as modified thereafter as required by Federal law; and

(b) The amount paid to such State under section 403(a) of the Social Security Act for such quarter exclusive of the amount so paid for such quarter for the Work Supplementation Program.

**§ 239.84 Claiming Federal financial participation.**

A State must calculate the amount subject to FFP for its Work Supplementation Program and maintain records to support its claim in accordance with procedures established by the Secretary.

[FR Doc. 81-27354 Filed 9-18-81; 8:45 am]

BILLING CODE 4110-07-M



5010-108-01

108-01

---

Monday  
September 21, 1981

---

**Part IV**

**Department of Labor**

Employment and Training Administration

**Department of  
Health and Human  
Services**

Office of Human Development Services

Work Incentive Program for AFDC  
Recipients Under Title IV of the Social  
Security Act

**DEPARTMENT OF LABOR****Employment and Training  
Administration****29 CFR Part 56****DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Office of Human Development  
Services****45 CFR Part 224****Work Incentive Program for AFDC  
Recipients Under Title IV of the Social  
Security Act**

**AGENCIES:** Employment and Training Administration, Labor; and Office of Human Development Services, Health and Human Services Department.

**ACTION:** Interim final rules.

**SUMMARY:** The Secretary of Labor and the Secretary of Health and Human Services jointly revise the regulations for the Work Incentive Program. These rules are made necessary by the Omnibus Budget-Reconciliation Act of 1981.

**EFFECTIVE DATE:** October 1, 1981. However, consideration will be given to comments received before November 20, 1981. These will be carefully considered, and any changes to these regulations or our reasons for not accepting recommendations for change will be published in the Federal Register.

**ADDRESSES:** Mail or deliver comments to the Executive Director, Work Incentive Program, Patrick Henry Building, Room 5102, 601 D Street, NW., Washington, D.C. 20213. Agencies and organizations are requested to submit comments in duplicate. Beginning October 5, 1981, these comments shall be available for public review at the above address, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Robert Easley, (202) 376-7030.

**SUPPLEMENTARY INFORMATION:****Background**

The purpose of the WIN program is to utilize all available employment and social services, including those authorized under provisions of other laws, so that individuals receiving Aid to Families with Dependent Children (AFDC) under Part A of Title IV of the Social Security Act will be furnished incentives, opportunities, and necessary services for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the

participation of such individuals in WIN public service employment, thus assisting the families of such individuals to achieve economic independence and to assume useful roles in their communities.

**History of the WIN Program**

Enactment of amendments to Title IV of the Social Security Act in 1967, authorizing the Work Incentive Program (Pub. L. 90-248), was a recognition of the need for an employment program directed to the special needs of public assistance recipients and their families. Earlier measures funded under the Manpower Development and Training Act of 1962 (Pub. L. 87-415) and the Economic Opportunity Act of 1964 (Pub. L. 88-452) provided some assistance to this group but did not address the multiple problems of the public assistance population, and had limited impact.

Under the 1967 legislation, registration in WIN was by referral of persons deemed by public welfare agencies to be appropriate for participation. An employment plan tailored to the specific needs and goals of each individual was developed jointly by the registrant and WIN staff. Emphasis tended to be on the provision of classroom training and other aids to employability development, rather than on immediate job placement.

Amendments to Title IV of the Social Security Act (Act) in December 1971 (Pub. L. 92-223) changed the administration and focus of the program. WIN registration was mandated for all persons at least 16 years of age receiving or applying for AFDC, unless legally exempt. Exemptions were provided under Section 402(a)(19)(A) of the Act (42 U.S.C. 602(a)(19)(A)) for full-time students, the ill and disabled, persons too remote from WIN program sites, and certain persons needed to care for a family member in the home.

The emphasis was shifted from employability development to employment at the earliest point feasible in the registrant's WIN experience. Changes in regulations which became effective in 1976 further increased the emphasis on direct placement into unsubsidized employment. See, e.g., 41 FR 47700 (October 29, 1976).

This shift in emphasis toward immediate employment continued with the enactment of the Social Security Disability Amendments of 1980 (Pub. L. 96-265). These amendments provided authority for requiring employment search activities of WIN registrants, including applicants, and for providing supportive services to applicants as well

as recipients, when needed to support employment-related activities. They exempt AFDC applicants and recipients who work not less than 30 hours a week from WIN registration.

The 1980 Amendments also authorize the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) to define sanction periods in cases where registrants fail or refuse to participate in WIN without good cause.

Employment-related social services are arranged for or provided by separate administrative unit (SAU) staff who participate with WIN sponsor staff to develop individual employability plans with registrants. These services can include child care, remedial medical services, home management, counseling, family planning, and transportation to needed services.

**Administration**

The WIN program is administered by the National Coordination Committee (NCC) at the national level (which is composed of the Assistant Secretary for Employment and Training, DOL and the Assistant Secretary for Human Development Services, DHHS) and the Regional Coordination Committees (RCCs) (which are composed of Regional Administrators from both Departments) in each Region. The RCC reviews and approves State WIN plans and oversees the operational and administrative procedures of State programs.

At the State level, the State WIN sponsor and the State welfare agency develop an annual State WIN plan for operation of the WIN program in the State and submit it to the appropriate Regional Coordination Committee for approval. The State WIN sponsor and State welfare agency also administer and supervise the administration of the WIN program in each State.

At the local level, there are three units involved—the income maintenance unit (IMU), the WIN sponsor, and the separate administrative unit (SAU). The IMU determines AFDC eligibility and exemption status and refers suitable persons to the WIN program. The WIN sponsor (usually part of the State job service) registers referred individuals and provides work and training services. The WIN sponsor and the SAU appraise registrants and develop an employability plan for each registrant found suitable for participation in the program. The SAU furnishes social services to enable registrants to engage in employment, training, and employment-related activities.

## Summary of the 1981 Amendments

Sections 2311, 2313, and 2314 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) include changes as follows, affecting the WIN exemption criteria, and incorporate the provisions of previous court decisions relating to unemployed parents:

(1) The 1981 amendments lower the age of an exempt child who is attending school full-time to under 18; or at State option to under 19 if the student is expected to complete a course of study in a secondary, or vocational or technical school which is at the equivalent level of a secondary school before reaching age 19;

(2) The amendments limit the exemption of a parent or other caretaker relative of a child under six to an individual who personally cares for the child on a continuous basis with only brief and infrequent absences from the child;

(3) The amendments exempt a parent or other caretaker of a child who is deprived of parental support or care, if another adult relative in the home is registered;

(4) The amendments introduce the concept of "principal earner" defined as the parent who has earned more income in the 24 months preceding application under this part;

(5) The amendments exempt a parent of a child who is deprived of parental support by the unemployment of the principal earner if the other parent who is the principal earner is registered;

(6) The amendments require WIN certification of unemployed parents who are principal earners within 30 days after receipt of aid; and

(7) The amendments provide that aid will be denied to an entire family if an unemployed parent who is the principal earner fails to register or fails or refuses to participate without good cause.

**Discussion of Proposed Amendments to WIN Regulations Implementing Sections 2311, 2313, and 2314 of the 1981 Omnibus Budget Reconciliation Act (Pub. L. 97-35)**

### 1. Exemption of Full-Time Students Under Age 18

a. *The Statute: Sections 402(a)(19)(A)(i) and 406(a)(2) of the Social Security Act.* Prior to the 1981 amendments, a child under 21 merely had to be attending school full-time in order to be exempt from WIN registration. With these changes, the exemption is limited to children under 18 who are full-time students in elementary, secondary, vocational or technical schools, and does not extend to college level schools or programs. The

amendments also provide States with option of including within the exemption, a child under age 19 who is a full-time student in a secondary or technical program and is reasonably expected to complete it before reaching age 19.

b. *The Rule: 29 CFR 56.20(b)(2) and 45 CFR 224.20(b)(2) of the regulations.* This regulation incorporates both the changes in the WIN exemption itself and the changes that were made by the amendments to the age limit of a dependent child. In the past, States were allowed to define a child to include individuals under age 21 who were students; the amendment to Section 406(a)(2) limits the definition of a dependent child to an individual who is under age 18 or at State option, to an individual who is under age 19 and is a full-time student in a secondary or technical school and is reasonably expected to complete the school program before reaching age 19.

The resulting exemption from WIN thus applies to full-time students who are under 18, or to those who are under 19 and are expected to complete a course of study in a secondary or technical school before reaching age 19.

### 2. Exemption of Parent or Caretaker of Child Under Six

a. *The Statute: Section 402(a)(19)(A)(v) of the Social Security Act.* In the past, a mother or other relative of a child under six could be exempt from WIN registration if he or she were caring for the child. The amended law extends the exemption to a parent, rather than principally to a mother. The law further restricts this exemption to a parent who is personally providing the care and has only brief and infrequent absences from the child.

b. *The Rule: 29 CFR 56.20(b)(8) and 45 CFR 224.20(b)(8) of the regulations.* The exemption from WIN registration applies to a parent or other caretaker relative of a child under six only if the parent or other caretaker personally provides full-time care of the child on a continuous basis.

### 3. Exemption of Parent or Caretaker of Child Who is Deprived of Parental Support

a. *The Statute: Section 402(9)(19)(A)(vi) of the Social Security Act.* The Social Security Act, prior to the 1981 amendments, contained language that exempted mothers from WIN registration more readily than it exempted fathers. In 1979 the Supreme Court ruled against such practices in *Califano v. Westcott*, 431 U.S. 322 1979. This amended law allows either parent to be exempt from WIN registration if

the child in the family is deprived of parental support or care from the other parent, but only if another adult relative in the home is not exempt from WIN.

b. *The Rule: 29 CFR 56.20(b)(9) and 45 CFR 224.20(b)(9) of the regulations.* The regulations provide for the exemption of a parent or other caretaker of a child who is deprived of a parent's care or support because of the parent's death, absence, or mental or physical incapacity, if there is another adult relative in the home who registered for WIN and has not failed or refused to participate without good cause.

### 4. Exemption of Other Parent of a Child With an Unemployed Principal Earner

a. *The Statute: Sections 402(a)(19)(A)(viii), 407(a), and 407(d)(4) of the Social Security Act.* Since 1967, the Social Security Act allowed States to provide assistance to families in which the father was unemployed. However, in 1979 the Supreme Court held in *Califano v. Westcott* that the restriction to fathers was discriminatory. The 1981 amendments bring the Social Security Act into compliance with the Supreme Court finding and permit either parent to qualify as an unemployed parent if he or she is the principal earner. The principal earner is defined in section 407(d)(4) as whichever parent earned the greater amount of income in the 24-month period preceding an application for and based on the unemployment of a parent. Thus, the exemption in section 402(a)(19)(A)(viii) of the Act applies to a parent when the other parent, who is the principal earner, is not exempt from WIN registration.

b. *The Rule: 29 CFR 56.20(b)(11) and 45 CFR 224.20(b)(11) of the regulations.* The new regulation specifically exempts a parent who is not the principal earner if the parent who is the principal earner is unemployed and is not exempt under one of the other exemption criteria of this section.

### 5. Required Certification of Unemployed Principal Earners

a. *The Statute: Section 407(b)(2)(A) of the Social Security Act.* An amendment was made to the Act to require that unemployed parents who are principal earners be certified to the Secretary of Labor within 30 days after receipt of aid. In the past, this requirement applied only to fathers.

b. *The Rule: 29 CFR 56.22(b) and 45 CFR 224.22(b) of the regulations.* The term "father" is simply changed to "parents who are principal earners." This regulation now requires that unemployed parents who are principal

earners be appraised by WIN staff within 2 weeks of the determination of their eligibility so that they will be certified within 30 days of receipt of AFDC benefits.

**6. Denial of Aid to Families Whose Unemployed Parent Refuses to Participate**

a. *The Statute: Section 402(a)(19)(F)(ii) of the Social Security Act.* This provision clarifies that if an unemployed principal earner fails or refuses to participate in WIN or to accept employment without good cause, the entire family will be ineligible for AFDC benefits.

b. *The Rule: 29 CFR 56.51(a)(2) and 45 CFR 224.51(a)(2) of the regulations.* This regulation provides that certain AFDC sanctions shall apply to individuals who fail or refuse without good cause to participate in WIN.

**Justification for Dispensing With Prior Notice of Proposed Rulemaking and 30-Day Implementation Period**

These regulations implement sections 2311, 2313, and 2314 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), signed on August 13, 1981. The Congress expressly required in Section 2321 that these amendments take effect on October 1, 1981, except if State law prevents implementation, in which case the Secretary of Health and Human Services may allow postponement of implementation according to certain guidelines found in Section 2321 of this Act.

Thus it is not practical to issue a *Notice of Proposed Rulemaking* (NPRM) for these implementing regulations and still meet the required effective date of the amendments. Therefore, we find that good cause exists for dispensing with an NPRM. However, the comments of the public are requested on these Interim Final Rules.

We will carefully consider all comments. We will then publish in the Federal Register a final regulation within 90 days of the close of the public comment period. The final regulation will include a summary of the comments, together with any revision of these regulations resulting from comments or our reasons for not accepting suggested revisions.

We are dispensing with the 30-day delay in effective date after publication for the same reason. The October 1 effective date for the amendments

implemented by these regulations has been found by both agencies to be good cause for these regulations to become effective on October 1, 1981.

**Regulatory Flexibility Act**

The Secretaries certify in accordance with Section 603 of the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 603) that this regulation as proposed will not have a significant economic impact on a substantial number of small entities including small business, small organizational units and small governmental jurisdictions. Consequently, an initial regulatory flexibility analysis has not been prepared for this rule. Most of the provisions of the proposed rule impose conditions for Federal financial participation on State agencies and do not impact on small entities.

**Executive Order 12291**

The Secretaries have also determined in accordance with Executive Order 12291 that the proposed rule does not constitute a major rule requiring the preparation of a regulatory impact analysis. The regulation is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in cost prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment and innovation.

**Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, all Departments are required to submit to the Office of Management and Budget for review and approval any reporting or recordkeeping requirements inherent in a proposed and final rule. This proposed rule does not increase the Federal paperwork burden for WIN State agencies.

(Catalog of Federal Domestic Assistance Program No. 13.646, "Work Incentive Program (WIN)")

(402(a)(7), 402(a)(19), 406(a)(2), 407(a), 407(d)(4), 430-444, 1102 of the Social Security Act, as amended, 49 Stat. 647 (42 U.S.C. 602(a)(7), 602(a)(19), 606(a)(2), 607(a), 607(d)(4), 630-644, 1302))

Dated: September 2, 1981.

Dorcas R. Hardy,  
Assistant Secretary for Human Development Services.

Approved: September 3, 1981.

Richard S. Schweiker,  
Secretary, Health and Human Services.

Dated: September 8, 1981.

Albert Angrisani,  
Assistant Secretary.

Approved: September 10, 1981.

Raymond J. Donovan,  
Secretary, Department of Labor.

For reasons set out in the preamble, Part 56 of Title 29 of the Code of Federal Regulations is amended as set forth below:

**PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT**

**Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification**

1. In § 56.20, paragraphs (b)(2), (b)(8), and (b)(9) are revised and paragraph (b)(11) is added to read as follows:

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

\* \* \* \* \*

(b) \* \* \*

(2) A full-time student (as defined in State welfare regulations), aged 16 but under age 18 who is attending an elementary or secondary school, or a vocational or technical school that is equivalent to a secondary school; or a full-time student under age 19, if the State AFDC plan extends coverage to children under age 19, who is attending a secondary school or a program in a vocational or technical school that is equivalent to a secondary school and is reasonably expected to complete such school or program before reaching age 19;

\* \* \* \* \*

(8) A parent or other caretaker relative of a child under age 6 who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(9) A parent or other caretaker of a child who is deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, if another adult relative in the home is registered and has not failed or refused to participate in the program or to accept employment without good cause;

\* \* \* \* \*

(10) [Reserved]

\* \* \* \* \*

(11) The parent of a child who is deprived of parental support or care by reason of the unemployment of a parent, if the other parent (who is the principal earner as defined in 45 CFR 233.100(a)) is not exempt under one of the other preceding clauses of this section.

\* \* \* \* \*

2. In § 56.22, paragraph (b) is revised to read as follows:

**§ 56.22 Appraisal and certification.**

\* \* \* \* \*

(b) All unemployed parents who are principal earners as defined in 45 CFR 233.100(a) shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

\* \* \* \* \*

3. In § 56.51, paragraphs (a)(2) and (a)(3) are redesignated as paragraphs (a)(3) and (a)(4) and a new paragraph (a)(2) is added as follows:

**§ 56.51 Sanctions.**

\* \* \* \* \*

(a) \* \* \*

(2) If the individual is an unemployed parent who is the principal earner, (as defined in 45 CFR 233.100(a)), the State will deny assistance for all members of the family.

\* \* \* \* \*

For reasons set out in the preamble, Part 224 of Title 45 of the Code of Federal Regulations is amended as set forth below:

**PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT**

**Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification**

4. In § 224.20, paragraphs (b)(2), (b)(8), and (b)(9) are revised and paragraph (b)(11) is added to read as follows:

**§ 224.20 Registration requirements for AFDC applicants and recipients; State plan requirements.**

\* \* \* \* \*

(b) \* \* \*

(2) A full-time student (as defined in State welfare regulations), aged 16 but under age 18 who is attending an elementary or secondary school, or a vocational or technical school that is equivalent to a secondary school; or a full-time student under age 19, if the State AFDC plan extends coverage to children under age 19, who is attending a secondary school or a program in a vocational or technical school that is equivalent to a secondary school and is reasonably expected to complete such school or program before reaching age 19;

\* \* \* \* \*

(8) A parent or other caretaker relative of a child under age 6 who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(9) A parent or other caretaker of a child who is deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a

parent, if another adult relative in the home is registered and has not failed or refused to participate in the program or to accept employment without good cause;

\* \* \* \* \*

(10) [Reserved]

\* \* \* \* \*

(11) The parent of a child who is deprived of parental support or care by reason of the unemployment of a parent, if the other parent (who is the principal earner as defined in 45 CFR 233.100(a)) is not exempt under one of the other preceding clauses of this section.

\* \* \* \* \*

5. In § 224.22, paragraph (b) is revised to read as follows:

**§ 224.22 Appraisal and certification.**

\* \* \* \* \*

(b) All unemployed parents who are principal earners as defined in 45 CFR 233.100(a) shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

\* \* \* \* \*

6. In § 224.51, paragraphs (a)(2) and (a)(3) are redesignated as paragraphs (a)(3) and (a)(4) and a new paragraph (a)(2) is added as follows:

**§ 224.51 Sanctions.**

\* \* \* \* \*

(a) \* \* \*

(2) If the individual is an unemployed parent who is the principal earner (as defined in 45 CFR 233.100(a)), the State will deny assistance for all members of the family.

\* \* \* \* \*

[FR Doc. 81-27553 Filed 9-18-81; 8:45 am]

BILLING CODE 4510-30-M and 4110-92-M



# Reader Aids

Federal Register

Vol. 46, No. 182

Monday, September 21, 1981

## INFORMATION AND ASSISTANCE

### PUBLICATIONS

#### Code of Federal Regulations

CFR Unit	202-523-3419
General information, index, and finding aids	523-3517
Incorporation by reference	523-5227
Printing schedules and pricing information	523-4534
	523-3419

#### Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Library and Public Inspection Desk	633-6930
Scheduling of Documents	523-3187

#### Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

#### Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

#### Privacy Act Compilation

	523-3517
--	----------

#### United States Government Manual

	523-5230
--	----------

### SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

## FEDERAL REGISTER PAGES AND DATES, SEPTEMBER.

43823-43952	1
43953-44146	2
44147-44414	3
44415-44732	4
44433-44974	8
44975-45108	9
45109-45320	10
45321-45590	11
45591-45746	14
45747-45924	15
45925-46106	16
46107-46278	17
46279-46558	18
46559-46780	21

## CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 1 CFR

476	44733
-----	-------

### 3 CFR

#### Proclamations:

4855	44975
4856	45109
4857	45925
4858	46279
4859	46559

#### Executive Orders:

5327 (Amended by PLO 5988)	44984
----------------------------	-------

August 18, 1904

(Revoked by PLO 5993)	45137
-----------------------	-------

June 30, 1916

(Revoked by PLO 5992)	45132
-----------------------	-------

July 17, 1916

(Revoked by PLO 5987)	44984
-----------------------	-------

October 30, 1916

(Revoked by PLO 5992)	45132
-----------------------	-------

April 11, 1917

(Revoked by PLO 5992)	45132
-----------------------	-------

December 5, 1917

(Revoked by PLO 5992)	45132
-----------------------	-------

September 6, 1918

(Revoked by PLO 5992)	45132
-----------------------	-------

May 17, 1919

(Revoked by PLO 5992)	45132
-----------------------	-------

May 24, 1919

(Revoked by PLO 5992)	45132
-----------------------	-------

June 5, 1919

(Revoked by PLO 5991)	45131
-----------------------	-------

April 17, 1926

(Revoked in part by PLO 5985)	44983
-------------------------------	-------

11331 (Revoked by EO 12319, effective

Oct. 1, 1981)	45591
---------------	-------

11345 (Revoked by EO 12319, effective

Oct. 1, 1981)	45591
---------------	-------

11371 (Revoked by EO 12319, effective

Oct. 1, 1981)	45591
---------------	-------

11578 (Revoked by EO 12319, effective

Oct. 1, 1981)	45591
---------------	-------

11658 (Revoked by EO 12319, effective

Oct. 1, 1981)	45591
---------------	-------

11659 (Revoked by

EO 12319, effective

Jan. 1, 1982).....45591

11958 (Amended by

EO 12321).....46109

12113 (Revoked by

EO 12322).....46561

12163 (Amended by

EO 12321).....46109

12232 (Revoked by

EO 12320).....46107

12319.....45591

12320.....46107

12321.....46109

12322.....46561

Presidential Determination:

(No. 81-12 of

Sept. 4, 1981).....45927

Administrative Order:

Memorandum of

September 10,

1981.....45321

### 5 CFR

Ch. I.....44415

213.....45323

531.....43823, 45747

771.....44415

890.....46332

Proposed Rules:

470.....46330

### 7 CFR

246.....43823

271.....44712

272.....44712

273.....44712, 46281

274.....44712

277.....44712

282.....46282

301.....44144

800.....43824

908.....44147, 45111, 46111

910.....44416, 45323, 45324-

46286

915.....43953

932.....44733

944.....44733

967.....44977

981.....43824

1002.....45325

1065.....44978

1079.....43974

1135.....44147

1446.....45111

1701.....46287

1980.....45929

2852.....45326

Proposed Rules:

29.....44761

101.....44680

102.....44680

103.....44680

104.....44680  
106.....44680  
107.....44680  
108.....44680  
111.....44680  
210.....44452, 45354, 45776  
220.....44452, 45354, 45776  
226.....44452, 45354, 45776  
907.....44762  
948.....45962  
1001.....43980  
1006.....43995  
1011.....43997, 45354  
1012.....43995  
1013.....43995  
1046.....45354  
1093.....45352  
1098.....45354  
1139.....45776  
1701.....44472, 45783-45784  
2852.....43836, 43838, 44473,  
45357

**8 CFR**

108.....45116  
204.....46563  
207.....45116  
209.....45116  
212.....45326, 45328  
214.....45933  
235.....43826  
236.....43955  
242.....43955  
251.....43826

**9 CFR**

92.....46563  
303.....46287  
307.....46111  
331.....43827, 43956, 44417  
350.....46111  
351.....46111  
354.....46111  
355.....46111  
362.....46111  
381.....43827, 46111, 46287  
Proposed Rules:  
112.....45616

**10 CFR**

Ch. II.....46289  
30.....44418  
31.....44149  
40.....44418  
50.....44734  
70.....44418  
150.....44149  
800.....44686  
Proposed Rules:  
Ch. I.....44992  
Ch. II.....44192  
4.....46582  
35.....43840  
50.....46333, 46587  
70.....45144, 46333  
73.....46333  
205.....44696  
211.....45151  
486.....46589  
590.....44696

**11 CFR**

Proposed Rules:  
114.....44964, 45784

**12 CFR**

11.....45747  
217.....44420  
526.....46300  
532.....46564  
545.....46300  
553.....45593  
556.....45120  
561.....45593  
563.....46300  
701.....43829, 44421, 44422,  
45329, 46303  
720.....45330  
1204.....45121  
Proposed Rules:  
701.....45365  
720.....45365

**13 CFR**

115.....46113  
122.....46307

**14 CFR**

21.....44735, 46118  
39.....44153, 45124, 45593,  
45598, 46121-46123, 46565,  
46566  
71.....44154-44157, 44737-  
44739, 45598, 46124, 46125  
75.....46125  
91.....44424, 44740, 45125  
95.....44748  
97.....44753, 46568  
99.....46569  
221a.....43957  
252.....45934  
291.....43958  
296.....43958  
297.....43959  
298.....43959  
372.....43959  
374.....43960  
1204.....45127

**Proposed Rules:**

1.....45256  
21.....45256, 45617, 45619  
39.....46139, 46140, 46590  
43.....45256  
45.....45256  
47.....45256  
61.....45256  
63.....45256  
65.....45256  
71.....44193, 44763, 44764,  
45620, 46141, 46142, 46590,  
46591  
75.....44194, 45154  
91.....45256  
93.....45256  
99.....45256  
121.....45256  
123.....45256  
125.....45256  
127.....45256  
133.....45256  
135.....45256  
137.....45256  
141.....45256  
293.....46592  
298.....46592  
323.....46592  
377.....46338

399.....43961, 45939  
970.....45890  
Proposed Rules:  
Ch. III.....43842  
935.....44764  
936.....44764  
16 CFR  
3.....45749  
4.....45749  
13.....43830, 43962  
1201.....45750  
1208.....45940  
Proposed Rules:  
Ch. II.....45621  
13.....44765  
1205.....44992  
1208.....45963  
17 CFR  
240.....43962  
Proposed Rules:  
201.....44194  
230.....44194  
240.....44194, 44775  
18 CFR  
270.....45599  
281.....45127  
282.....43830, 45752  
375.....45755  
Proposed Rules:  
2.....45624  
35.....45624  
154.....44777  
271.....43843-43847, 45155,  
46142  
711.....45368  
713.....45368  
714.....45368  
716.....45368  
19 CFR  
18.....45600  
112.....45600  
151.....46310  
Proposed Rules:  
24.....44195  
101.....45625  
111.....44195  
141.....44195  
148.....46594  
151.....45128  
162.....45626  
20 CFR  
404.....43963, 45756  
410.....45942  
675.....44730  
676.....44730  
677.....44730  
680.....44730  
Proposed Rules:  
214.....43998  
218.....43998  
232.....43998  
237.....43998  
21 CFR  
5.....44754, 46310  
135.....44432  
184.....44434  
193.....43964, 45130  
436.....46311

**15 CFR**

379.....43961

442.....46311  
444.....45332  
446.....46311  
449.....46311  
450.....46311  
452.....44442  
455.....46311, 46314  
510.....45333  
520.....44443, 46314, 46315  
522.....43831  
524.....44755  
558.....43832, 45333  
680.....43832  
Proposed Rules:  
105.....46340  
203.....45785  
1308.....45156  
22 CFR  
Ch. XIV.....45854, 45881  
23 CFR  
476.....45602  
Proposed Rules:  
140.....45744  
646.....45744  
740.....45627  
24 CFR  
115.....46316  
201.....44444  
203.....44157, 44444  
205.....44444  
207.....44157, 44444  
213.....44444  
220.....44157, 44444  
221.....44444  
232.....44444  
234.....44444, 46317  
235.....44444  
236.....44444  
241.....44444  
242.....44444  
244.....44444  
570.....45603  
3282.....46126  
27 CFR  
9.....46318  
Proposed Rules:  
5.....44000  
18.....46340  
19.....44000  
170.....44000  
173.....44000  
194.....44000, 46347  
240.....46340  
250.....44000, 46347  
251.....44000, 46347  
28 CFR  
Proposed Rules:  
16.....44408  
18.....46144  
29 CFR  
56.....46776  
102.....45922  
1910.....45333, 45758  
1952.....46320  
2530.....43833  
2619.....45761  
2640.....46127  
2642.....46127

2643.....	46127
2673.....	43965
Proposed Rules:	
800.....	43848
1620.....	43848
2530.....	43852

<b>30 CFR</b>	
221.....	44755
Proposed Rules:	
251.....	44994
270.....	44778
725.....	46744
730.....	46596
731.....	46596
832.....	46596
735.....	46744
920.....	46596
800-809.....	45082
904.....	46350
916.....	46350
920.....	44475
925.....	46350
950.....	44995

<b>32 CFR</b>	
199.....	46570
212.....	43965
706.....	46322-46324
Proposed Rules:	
199.....	46597
57.....	45368

<b>33 CFR</b>	
117.....	44756
Proposed Rules:	
109.....	44779
110.....	44779, 44782
204.....	44006
402.....	45318

<b>34 CFR</b>	
350.....	45300
351.....	45300
352.....	45300
353.....	45300
354.....	45300
355.....	45300
356.....	45300
362.....	45300
510.....	44140
606.....	43966

<b>36 CFR</b>	
810.....	45334
Proposed Rules:	
296.....	44007
1190.....	45376

<b>37 CFR</b>	
Proposed Rules:	
307.....	45785

<b>38 CFR</b>	
36.....	46571, 46572
Proposed Rules:	
1.....	45785

<b>39 CFR</b>	
960.....	45943
Proposed Rules:	
111.....	44998, 45787
3001.....	45376

<b>40 CFR</b>	
50.....	44159
51.....	44159
52.....	43968, 43970, 44172-44188, 44447, 44448, 44757, 44979, 45130, 45335, 45337, 45605-45610, 45762, 46130-46133
58.....	44159
62.....	43833
81.....	46325, 46573, 46574
86.....	46575
123.....	46576
180.....	43971, 46579
261.....	44970
413.....	43972
Proposed Rules:	
33.....	45963
35.....	45963
52.....	43855, 44476, 44783-44785, 45157-45160, 45378-45383, 45628, 46351
62.....	45160
65.....	44196
80.....	44477
81.....	44787, 45162
125.....	46597
163.....	44197
180.....	45162

<b>41 CFR</b>	
Ch. 1.....	45948
101.....	43973
101-39.....	45948
101-43.....	45950
101-45.....	46325
101-47.....	45950
Proposed Rules:	
101-11.....	44788
101-38.....	45163

<b>42 CFR</b>	
Proposed Rules:	
447.....	45964

<b>43 CFR</b>	
35.....	45951
2710.....	44677
3100.....	45887
3110.....	45887
Public Land Orders:	
1608 (Amended by PLO 5979).....	44188
1930 (Revoked by PLO 5986).....	44983
4522 (Amended by PLO 5988).....	44984
5868 (Corrected by PLO 5983).....	44450
5979.....	44188
5980.....	43974
5981.....	44189
5982.....	44189
5983.....	44450
5984.....	44984
5985.....	44983, 46134
5986.....	44983
5987.....	44984
5988.....	44984
5989.....	44982, 46134
5990.....	45131
5991.....	45131
5992.....	45132, 46134
5993.....	45137
5994.....	45611

5995.....	46134
Proposed Rules:	
2650.....	45164
3200.....	43950

<b>44 CFR</b>	
64.....	45763, 45766
65.....	45768, 45769
200.....	45137
201.....	45137
205.....	45137

<b>45 CFR</b>	
95.....	46134
205.....	46750
206.....	46750
224.....	46776
233.....	46750
234.....	46750
235.....	46750
238.....	46750
239.....	46750
1000.....	44189
1005.....	44189
1006.....	44189
1012.....	44189
1015.....	44189
1026.....	44189
1062.....	44189
1063.....	44189
1176.....	45953

<b>46 CFR</b>	
56.....	45611
502.....	45138
510.....	45612
536.....	44190
537.....	46136
Proposed Rules:	
Ch. I.....	45631
251.....	45164
538.....	44998

<b>47 CFR</b>	
0.....	45342
22.....	44758
73.....	43975, 44190, 45140, 46326, 46327
90.....	45953
Proposed Rules:	
1.....	44789
2.....	45635
15.....	44790, 44793
21.....	45635
73.....	44008-44012, 44478-44481, 45166-45170, 46147-46352-46357
74.....	45635
90.....	46148
94.....	45635

<b>49 CFR</b>	
387.....	45612
1033.....	44190, 44450, 45774, 46580
1100.....	44191
1121.....	45342
1206.....	45959
1207.....	45959
1244.....	45141
Proposed Rules:	
Ch. X.....	44999, 45000
100-199.....	44197
173.....	44198, 45652
175.....	45652

395.....	44198
571.....	44202, 45171, 46604
826.....	44797
1057.....	44013
1241.....	45966
1247.....	45967
1310.....	44482

<b>50 CFR</b>	
12.....	44759
14.....	43834
20.....	44760, 45098, 46542
23.....	44460
32.....	45142
227.....	43976
285.....	44985, 45353
611.....	44985
652.....	44988
661.....	43977, 44989, 45615, 45960
672.....	44985
Proposed Rules:	
Ch. I.....	46358
12.....	46605
13.....	46361
14.....	43857, 46361
16.....	46361
17.....	44960, 46361
23.....	45172, 45652
32.....	43858
33.....	43853
611.....	44203, 45656, 45969
655.....	45174
656.....	45174
657.....	45174
674.....	44203
662.....	45969

**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

\*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

\*\*Note: As of September 14, 1981, documents received from

Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing August 26, 1981